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Letter dated 18 December 2018 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council

The members of the Group of Experts on the Democratic Republic of the Congo, whose mandate was extended pursuant to Security Council resolution 2424 (2018), have the honour to transmit herewith, in accordance with paragraph 4 of that resolution, the midterm report on their work.

The report was provided to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo on 21 November 2018 and was considered by the Committee on 6 December 2018.

The Group would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

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Midterm report of the Group of Experts on the Democratic Republic of the Congo

Summary

Since the submission of the most recent report of the Group of Experts on the Democratic Republic of the Congo (S/2018/531), the overall security situation in the Democratic Republic of the Congo has remained volatile. During the period under review, the Group noted major security incidents including attacks against civilians, security forces and United Nations peacekeepers in many provinces. While the upcoming elections have continued to raise security concerns, the Group has not found evidence of direct involvement by armed actors in the electoral process.

In the present report, the Group chose to organize its findings with a focus on four territories in the North and South Kivu Provinces, where it documented findings relevant to its mandate.

The Group uncovered a well-established international network dedicated to the recruitment of combatants sent to Beni territory. Although it was not able to confirm that combatants were recruited for the Allied Democratic Forces (ADF), the Group found similarities to previously documented recruitment patterns for ADF. Attacks, which were often deadly and targeted the civilian population, the Forces armées de la république démocratique du Congo (FARDC) and/or United Nations peacekeepers, occurred on an almost daily basis in various locations in the entire north-eastern part of the territory, including in Beni city.

The Group found that an armed group active in Fizi and Uvira territories and associated with Rwandan opposition groups benefited from local and external support for the recruitment of its combatants. The Group confirmed that most of the arms and ammunition used by the armed group were transferred from Burundi, but it could not confirm the identities of the individuals and entities involved.

The Group documented a split in the Alliance des patriotes pour un Congo libre et souverain (APCLS), a dominant armed group in Masisi territory, into two factions: APCLS and APCLS-Rénové. The latter controls the tin, tantalum and tungsten mining sites and is responsible for violations of international humanitarian law. The Group also found some forms of collaboration between that faction and some elements of FARDC. The smuggling of tin, tantalum and tungsten continue to occur in Masisi territory.

The Group concluded that Masudi Alimasi Kokodikoko, leader of a Raia Mutomboki faction in Shabunda territory, was a lead perpetrator of the gang rapes of at least 17 women in September 2018. The Group documented that his group, as well as other Raia Mutomboki factions, profit from the exploitation and trade of natural resources. FARDC elements were the main armed actors involved in mining tin, tantalum, tungsten and gold in Shabunda territory. Tin, tantalum and tungsten sourced from areas controlled by armed actors were introduced into the formal supply chain with the authorization of authorities of the Democratic Republic of the Congo. The Group found that Uganda remained an important transit hub for gold illegally sourced from the Democratic Republic of the Congo, including from Shabunda territory.

Several Member States failed to notify the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo regarding deliveries of arms and materiel to the Democratic Republic of the Congo.

Contents

		Page
I.	Introduction	3
II.	Beni territory	3
	A. Recruitment network of combatants	3
	B. Humanitarian and security situation	6
III.	Fizi and Uvira territories	9
	A. Armed movement associated with the Rwanda National Congress and Ngomino	9
	B. Arms transfers from Burundi in violation of arms embargo	11
IV.	Masisi territory	11
	A. Tin, tantalum and tungsten	11
	B. Armed groups	12
V.	Shabunda territory	15
	A. Conflict-related sexual violence and use of child soldiers in Shabunda territory	15
	B. Tin, tantalum, tungsten and gold	16
VI.	Non-notification of deliveries of weapons and related materiel	20
	A. Re-exportation of sponge grenades by South Africa	20
	B. Delivery of military-related materiel from New Zealand	20
	C. Delivery of military-related materiel from the United Arab Emirates	20
	D. Delivery of military-related materiel from China	21
VII.	Recommendations	21
Annexes*		22

* The annexes are being circulated in the language of submission only and without formal editing.

I. Introduction

1. The current Group of Experts on the Democratic Republic of the Congo, whose mandate was extended pursuant to resolution 2424 (2018), was appointed by the Secretary-General on 26 July 2018 (see S/2018/741). The Group began its mandate with a visit to New York from 27 to 31 August 2018 and conducted two field visits to the Democratic Republic of the Congo between September and October 2018. Ledio Cakaj, one of the Group's two armed groups experts, resigned from the Group effective 15 October 2018.

2. In accordance with the request made by the Security Council in paragraph 8 of its resolution 2360 (2017), and as reaffirmed by its resolution 2424 (2018), the Group continued to exchange information with the Panel of Experts on the Central African Republic.

Cooperation with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

3. The Group expresses its gratitude for the valuable support and collaboration provided by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) during the period under review.

Compliance with the Group's requests for information

4. Following its appointment, the Group addressed 17 official communications to Member States, international organizations and private entities during the first part of its mandate. In its final report, the Group intends to provide a full accounting of the replies received.

Methodology

5. The Group used the evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions (see S/2006/997). The Group based its findings on documents and, wherever possible, on first-hand, on-site observations by the experts themselves. When that was not possible, the Group corroborated information by using at least three independent and reliable sources.

6. Given the nature of the conflict in the Democratic Republic of the Congo, there are few documents that provide definitive proof of arms transfers, recruitment, command responsibility for grave human rights abuses and the illegal exploitation of natural resources. The Group has therefore relied on eyewitness testimony from members of local communities, former combatants and current members of armed groups. The Group has also considered expert testimony by government officials and military officers from the Great Lakes region, other countries and United Nations sources.

7. The present report covers investigations conducted up to and including 9 November 2018. Investigations relevant to the Group's mandate that occurred after that date will be reflected in the final report.

II. Beni territory

A. Recruitment network of combatants

8. During the period under review, the Group found that a well-developed international network was actively recruiting young men for an armed group in Beni

territory. That information was based on the accounts of 17 individuals arrested by the Forces armées de la république démocratique du Congo (FARDC) in Uvira, Goma, Butembo and Beni, who were interviewed separately by the Group in October 2018. The Group also learned about the network from other recruits, one ex-combatant, civil society actors, FARDC officers, non-governmental organizations and MONUSCO contacts.

9. Among the 17 arrested individuals, 2 of them were members of the recruitment network and told the Group that they were working for the Allied Democratic Forces (ADF), but 8 others said they did not know whom they worked for. Although the Group could not definitively link the recruitment network to any specific armed group, it noted some similarities with ADF recruitment schemes documented in previous reports (S/2017/1091, paras. 29–30, and S/2015/19, paras. 16–23).

Deception in recruitment

10. Among those interviewed, six recruits[1] told the Group that recruiters convinced them to travel to the Democratic Republic of the Congo on false pretences and that they had not intended to join an armed group. At least four recruits were attracted with a promise of working in the gold business, while others claimed that a family member had invited them. Still other recruits were deceived with false promises of opportunities to study abroad. The recruiters focused mostly on Muslims.

Organization of the network

11. The recruitment network had several layers. Four interviewees, including an arrested recruiter, identified a man called "Amigo" as the coordinator of the network.[2] One recruit and an ex-ADF combatant positively identified Amigo in a photograph shown by the Group (see annex 1).

12. Several sources informed the Group of the presence of recruitment cells in South Africa, the United Republic of Tanzania and Burundi that facilitated the transfer of recruits from their country of residence to the Democratic Republic of the Congo by way of Burundi and Rwanda. In November 2018, the Group informed the Governments of those countries of the recruitment network and asked for further information.

13. The network relied upon individuals in key cities along the path to Beni territory. One of those individuals defined himself and the others as "focal points". They were in charge of the recruits travelling through their respective areas of responsibility and provided them with the necessary support and identity documents. The focal point for Uvira was Rachid Senga (also known as Senga Khaled Eid or Issiakah Abu Saifullah).[3] Abu Said was the focal point for Goma; Karim Abdu for Bujumbura; and Hamu for Bukavu. The focal points had at least two houses at their disposal in Goma and Bukavu to accommodate recruits during their transfer to Beni territory.

14. The focal points worked with others, including motorcyclists who transported recruits from Butembo to the armed group and deliverymen in Uvira, Bukavu and Goma who supplied fraudulent electoral cards.

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[1] The Group refers generally to recruits, even if it cannot confirm that all were aware they were going to join an armed group. Among those six recruits, four claimed to have escaped from the armed group's camp and two were still en route when arrested.

[2] Amigo, also known as Simba Amigo or Mzee Amigo. Amigo was a long-time ADF member and his role in the movement was documented in a previous report (see S/2015/19, annex 4). Nevertheless, the Group could not confirm if he was still a member of ADF.

[3] He called himself a "point focal de l'ADF".

15. In October 2018, the arrested focal point and five other interviewees confirmed the existence of an international recruitment network that used three different routes (see annex 2). Several sources provided the names of local recruiters and mentioned that most of the recruits were received in Beni territory in a camp they referred to as "Domaine".

Use of fake Congolese identity cards

16. Several detained recruits told the Group that at some point, after having crossed the Congolese border, a focal point took their original identity documents and gave them falsified Congolese electoral cards to facilitate their travel (see annex 3). A staff member of the Commission électorale nationale indépendante (CENI) based in Uvira allegedly forged the electoral cards used by recruits in one or two days. Each recruit received a new card bearing his or her picture and a fake name. The focal point paid the CENI staff member $30 for each electoral card.

Other recruitment networks

17. Two escaped Ugandan combatants told the Group that they had been recruited in Uganda and arrived in the same camp, Domaine, as other recruits. A Somali recruit coming from South Africa told the Group that he saw the same two Ugandan recruits at the Domaine camp. Moreover, four detained recruits told the Group that the armed group also included Congolese nationals, which suggests recent or past recruitment within the Democratic Republic of the Congo. During the remainder of its mandate, the Group intends to continue its investigations with regard to the patterns and routes of recruitment and the identity of the armed group organizing the recruitment.

B. Humanitarian and security situation

18. Since the outset of the Group's mandate, the humanitarian and security situation in Beni territory has continuously deteriorated. Attacks have occurred on an almost daily basis against civilians, FARDC and peacekeepers (see annex 4). As in the past four years (S/2018/531, para. 147, and S/2016/466, para. 182), no armed group has taken responsibility for the attacks. The Group received conflicting information about possible perpetrators and is not in the position to confirm their identity or whether the same armed group carried out all the attacks. The Group will continue its investigations in that respect.

Increased armed group activities in the Mayangose

19. On the basis of interviews conducted with FARDC, MONUSCO, local authorities and civil society actors, the Group found that armed groups have strengthened their presence in the Mayangose area (S/2018/531, para. 32), in the immediate north-eastern part of Beni city (see annex 5). Starting in mid-September 2018, several FARDC positions in the Mayangose, such as Point 46/Malolu and Kididiwe, were taken over by armed groups. That is a noticeable change of tactics from the beginning of 2018, when attacks against those FARDC positions were mainly hit-and-run attacks.

20. According to information from the same sources, armed group camps were located around Point 46/Malolu, Kididiwe, Vemba and/or Lahe. As a result of their activities, many civilians fled the area. The Group observed that many recent attacks were conducted against locations directly accessible from the Mayangose.

21. During the drafting of the present report, the Group received a press release from MONUSCO announcing the "launch of FARDC and MONUSCO joint

operations against ADF".[4] The Group intends to investigate, in its final report, any potential security changes generated by those operations.

Attacks against the Forces armées de la république démocratique du Congo, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and civilians

Attacks against the Forces armées de la république démocratique du Congo

22. Many of the recent attacks targeted FARDC positions, often killing FARDC soldiers and resulting in the seizure of FARDC ammunition and weapons by the assailants. According to MONUSCO, by the end of August 2018, 125 FARDC soldiers had been killed by armed groups operating in Beni territory since January 2018.

23. An attack on 24 August 2018 against one FARDC position in Ngadi, about four kilometres south-east of Mavivi, was particularly deadly and resulted in the deaths of at least 17 FARDC soldiers and officers. MONUSCO and FARDC sources and one local authority confirmed that the assailants had seized weapons and ammunition from the FARDC camp. According to one MONUSCO source, the assailants had taken 17 AK-type assault rifles, 2 60 mm mortars, a box of rockets, 7 PK machine guns, 1 recoilless B10 rifle and an unknown quantity of ammunition.

24. Several of the same sources told the Group that the assailants, wearing FARDC uniforms and yellow armbands similar to those used by FARDC troops in the camp, managed to enter the camp. Furthermore, the attack was conducted on a FARDC payday, indicating that the assailants had benefited from intelligence.

Attacks against the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

25. United Nations peacekeepers were more directly engaged by armed assailants, including when responding to shooting incidents or at the MONUSCO base in Mavivi. MONUSCO reported at least five armed attacks on peacekeepers' positions, vehicles and assets along the Beni/Mavivi axis since July 2018.

26. According to MONUSCO sources, the first attack of that kind since the deadly attacks against the United Nations peacekeepers in Mamundioma and Semuliki at the end of 2017 (S/2018/531, paras. 165–174) took place on 6 July 2018. Responding to a shooting incident near the Kasinga and Boikene neighbourhoods of Beni, United Nations armoured personnel carriers sustained targeted fire and one was damaged by armour-piercing bullets. Indicative of the assailants' determination, one tried to climb into a carrier. Two United Nations peacekeepers were injured during the assault.

27. In addition, during ambushes on the Mavivi/Boikene road on 3 September 2018, two United Nations peacekeepers were injured and four armoured personnel carriers were damaged. On 29 July and 24 October 2018, peacekeepers repelled attacks against the MONUSCO company operating base in Semuliki.

Attacks against civilians

28. Two major attacks targeted the city of Beni on 22 September and 20 October 2018, respectively. The second attack targeted a northern quarter of Beni city, Boikene, and at least 12 civilians and 1 FARDC soldier were killed. One MONUSCO source told the Group that the discharge of heavy weaponry could be heard during the attack.

[4] Available at https://monusco.unmissions.org/en/fardc-and-monusco-launch-joint-operations-against-adf.

29. During the attack 22 September, at least 17 civilians and 4 FARDC soldiers were killed, all by gunshots. Based on FARDC, MONUSCO and civil society sources, as well as on the account of one civilian eyewitness, the Group found that the attack took place along the Beni/Kasindi road, and the assailants were visible from a well-known roundabout in the city (see annex 6). The fact that this attack occurred shortly after an attack against FARDC in Kasinga, 3 kilometres north-east of Beni, apparently in order to divert the focus of FARDC and United Nations peacekeepers, is indicative of the level of planning by the assailants.

30. One civilian eyewitness, who hid in a shop on the Beni/Kasindi road during the attack on 22 September, told the Group that around 5.30 p.m., he saw armed men wearing full FARDC camouflage uniforms entering Beni from three directions. They walked in columns and wore bulletproof vests like elements of FARDC. The source initially believed the men to be FARDC soldiers, until they started shooting at a vehicle and its passengers. According to the source, the assailants shot randomly at civilians. They were well armed, including with rockets, PK machine guns and AK-type rifles. The source saw only men. They spoke Swahili and one other language, but the source could not distinguish whether it was Kiganda or Kinyarwanda. However, it appears that not all attacks followed the same pattern (see annex 7).

Adverse consequences of the attacks

31. The attacks in Beni territory have had devastating consequences on civilians: as of the time of writing, at least 200 people have been killed since the beginning of 2018[5] and many have been injured or abducted, including women and children. The attacks have also led to massive displacements to other locations within Beni territory or to the neighbouring Ituri Province. The Office for the Coordination of Humanitarian Affairs of the Secretariat assessed that by 24 October 2018, two thirds of the population of the Ruwenzori commune, on the outskirts of Beni city, had left their homes following the armed attacks.[6]

32. While the Group cannot confirm the motivations of the assailants, the attacks, in particular those against Beni city, have clearly spread terror among the civilian population.

33. The terror, along with the exasperation of the population, has triggered a growing and worrying distrust towards local and national Congolese authorities, FARDC and MONUSCO. The weeks following the 22 September attack against Beni were marked by strikes, "ghost town" operations and demonstrations requesting security, some of which turned violent. The events that followed the 20 October attack in Boikene are particularly symptomatic of the explosive situation, as an angry mob brought at least one of the bodies of the victims to the office of the mayor of Beni, burned the post office and pelted some United Nations vehicles.

34. In addition, the Group is aware of the circulation of messages on social media, including from a politician who called for a violent mobilization against the attackers (see annex 8). The Group is concerned that those calls might fuel the conflict.

35. The Group is also aware of recent mob attacks in Beni territory against members of the Hutu community allegedly suspected of joining ADF. Although the Group is

[5] On 16 August 2018, the Office for the Coordination of Humanitarian Affairs of the Secretariat reported that since the beginning of 2018, 127 people had been killed in Beni territory. See https://reliefweb.int/sites/reliefweb.int/files/resources/rd_congo_-_nord-kivu_note_dinformations_humanitaires_du_16_aout_2018.pdf. See also annex 4.

[6] See https://reliefweb.int/sites/reliefweb.int/files/resources/rd_congo_-_nord-kivu_note_dinformations_humanitaires_du_24_octobre_2018.pdf.

not in a position to confirm any of those allegations or the motivations behind those attacks, it will continue to monitor the situation.

III. Fizi and Uvira territories

A. Armed movement associated with the Rwanda National Congress and Ngomino

36. The Group investigated armed group activities in the Hauts Plateaux of Fizi and Uvira territories in South Kivu. The Group found that a widespread recruitment network was established that benefited from local and external support.

37. In September 2018, the Group separately interviewed 12 ex-combatants. They all told the Group that Shaka Nyamusaraba was the commander of the armed group, which included both foreign combatants, most of Rwandan origin, and Congolese Banyamulenge. They also told the Group that they had received a briefing during which the armed group was called "P5",[7] the Rwanda National Congress or "the group of Kayumba Nyamwasa".[8] Several ex-combatants informed the Group that Nyamwasa frequently travelled to the region. The Group could not confirm the information and requested the assistance of South Africa. The latter has not yet responded to the request. Nyamusaraba was previously known as the leader of the local armed group Ngomino.

Recruitment network

38. Several ex-combatants provided consistent testimonies regarding a recruitment network, directed from Bujumbura,[9] that enabled recruiting from several African countries, often through facilitators based in East, Central and Southern Africa as well as Western Europe, to Bijabo in Fizi territory. Recruitment strategies varied from phone calls and face-to-face meetings to social media.

39. According to all interviewed ex-combatants, the main recruiter was a man called "Rashid", also known as "Sunday/Sunde Charles". He was reported to be the leading communication link between field recruiters, recruits and commanders (in particular Nyamusaraba) based in Bijabo. Rashid covered the cost of travel for the foreign recruits who travelled from other countries to his house in Bujumbura. Once at the house, recruits were asked to surrender all personal items, including identity cards, money and phones, and to prepare to go to the Democratic Republic of the Congo.

40. The large majority of the ex-combatants described a very similar modus operandi. Recruiters or facilitators transported them to Bujumbura, where Rashid smuggled parties of 25 to 30 new recruits to the Democratic Republic of the Congo on motorized pirogues crossing Lake Tanganyika, or on rafts crossing the Ruzizi River. Upon reaching the Democratic Republic of the Congo, the recruits were taken to the heights of the Hauts Plateaux to the movement's base in Bijabo, inside the

[7] The "P5" is a coalition of Rwandan opposition political organizations including the Amahoro People's Congress (AMAHORO-PC), the Forces démocratiques unifiées-Inkingi (FDU-INKINGI), the People's Defence Pact-Imzani (PDP-IMANZI), the Social Party-Imberakuri (PS-IMBERAKURI) and the Rwanda National Congress.

[8] Kayumba Nyamwasa is an exiled Rwandan general. He resides in South Africa and is considered a political opponent in Rwanda.

[9] The Group could not confirm if the Government of Burundi was aware of such a network. It requested clarification of such a network from the Government of Burundi, but did not receive a response.

Bijombo forest (see annex 9). The arrival of new recruits appeared to have taken place at least once a month for most of the first eight months of 2018.

41. All of the interviewed ex-combatants told the Group that they had been deceived by acquaintances or distant relatives. They believed they were getting jobs in Bujumbura. Most of them were originally from Burundi, Rwanda and Uganda. At least one had been recruited from Malawi. Ex-combatants told the Group that some combatants, many still in Bijabo, had been recruited from Kenya, the United Republic of Tanzania, South Africa and Mozambique.

Location, organization and leaders

42. Ex-combatants, civil society actors and FARDC officers indicated that the movement comprised a local group, Ngomino, and a few hundred foreign combatants, primarily of Banyamulenge or Rwandan origin. The combatants were often separated into four units, with three main positions known as Alpha, Bravo and Delta "battalions" manned by roughly 120 armed men each. The three defensive positions were spaced around Bijabo, where the movement's headquarters were located. Based on interviews with 10 recent defectors, the Group assessed that by September 2018, the movement numbered around 400 mostly armed and trained members.

43. New recruits were subjected to military training, lasting from four to six weeks, that included weapon assembly and assault tactics. Several ex-combatants explained that the trainers, who spoke Kinyarwanda, described themselves as former Rwandan military. The trainers also told the recruits that the leader of their movement was Kayumba Nyamwasa.

44. According to several ex-combatants, Nyamusaraba was in frequent contact by phone with sources outside the Democratic Republic of the Congo, especially in Burundi. Nyamusaraba was known to receive all new recruits and personally informed them that P5 was "Kayumba Nyamwasa's group". Nyamusaraba told the new recruits that the aim of P5 was to liberate Rwanda. However, all of the interviewed ex-combatants stated that they had never attacked Rwanda but instead attacked what they thought were Burundian rebel groups active within the Congolese territory, especially the Forces nationales de libération, led by Aloys Nzabampema, and the Résistance pour un état de droit au Burundi (RED Tabara), as well as some Mai-Mai factions.

Support

45. All of the ex-combatants stated that the P5 combatants were on good terms with the local Banyamulenge population in the vicinity of Bijabo. Some described having received food from local civilians while others said they were afraid to flee the base because they suspected the local communities around Bijabo would deliver them back to the P5 commanders. One ex-combatant said that a small weekly market near Bijabo was controlled by Nyamusaraba himself, who levied small taxes on the food market traders.

46. Several ex-combatants interviewed by the Group stated that P5 received supplies, including weapons and ammunition, food, medicines, boots and uniforms, from Burundi (see paras. 47–48 below). Ex-combatants were consistent in saying that Rashid, the main recruiter, was also in charge of providing supplies, which were often delivered in the same pirogues that transported recruits from Burundi to the Democratic Republic of the Congo. Most of them described almost monthly deliveries of medicine and food, and that at least once Rashid made the journey from Burundi to Bijabo, in early 2018, to ensure the supplies were delivered intact.

B. Arms transfers from Burundi in violation of arms embargo

47. Twelve ex-combatants told the Group that in February, April and June 2018, various quantities of weapons and ammunition were delivered to the P5 combatants in the Democratic Republic of the Congo. Three ex-combatants stated that they received eight AK-type assault rifles in February 2018 while also receiving 18 new combatants from Burundi. Two ex-combatants reported that they had received 3 machine guns and 15 rocket-propelled grenades for a rocket-propelled grenade launcher (an RPG-7) in April 2018. One ex-combatant explained that another batch of weapons and ammunition had been delivered near Lusenda from Lake Tanganyika. The shipment included three PK machine guns, two rocket-propelled grenade launchers and one small machine gun, while the remainder were AK-type rifles. Ammunition came in both boxes and bags and was well packed.

48. Three ex-combatants stated that another batch of weapons was delivered in June 2018, comprising 9 machine guns, 100 grenades, 45 AK-type rifles, 8 rocket-propelled grenade launchers, 30 rocket-propelled grenades and approximately 30 boxes of ammunition. Close to 40 people transported the weapons. Each of them carried one weapon, one box of ammunition, one belt of ammunition and two grenades. The weapons were brought from Burundi to the Democratic Republic of the Congo through Rumonge. The Group could not confirm the names of the individuals and entities involved in the delivery, and intends to continue its investigations in the lead-up to its final report.

IV. Masisi territory

A. Tin, tantalum and tungsten

Involvement of Alliance des patriotes pour un Congo libre et souverain elements in the mining sector

49. The Group found that armed factions of the Alliance des patriotes pour un Congo libre et souverain (APCLS) controlled mining sites that contained tin, tantalum and tungsten in the areas it occupied in Masisi territory. Four individuals familiar with the mineral sector in Masisi and a local leader of a non-governmental organization informed the Group that APCLS had split into two factions: APCLS, led by "General" Janvier Buingo Karairi, and APCLS-Rénové (APCLS-R) led by "General" Ntapenzi Bulere Likuwe. The two factions constantly fought one another for control of the mines in Kibanda and Rubonga in the Mahanga area of Masisi territory. The sources added that FARDC had been trying to liberate the mines from the control of the armed groups, with little success, as APCLS-R (see para. 57 below) was still active in the area.

50. The Group also interviewed five négociants and four truck drivers from various parts of Goma who operated between Goma and Masisi territory. Two of the négociants had set up a camp in Masisi, where they coordinated a network of local agents who obtained minerals from mining sites in Rubonga, Kibanda, Ibanda and Mushwao/Maboa controlled by APCLS-R. The négociants stated that only people with links to the armed group were permitted access to those mines, which forced the négociants to use agents operating on behalf of APCLS-R. The négociants added that the stocks of minerals they purchased were transported in trucks operating between Masisi and Goma and were delivered to them in Goma. A local civil society leader in Nyabiondo confirmed having been aware of artisanal miners who acted as local agents of APCLS-R in transporting minerals sourced from Lukweti and Nyabiondo, and selling them to buyers in Masisi town. The Group noted that this was consistent with

the Group's past reports on mining in Mahanga (S/2016/1102, paras. 80–84, and S/2017/672/Rev.1, paras. 88–95).

51. The Group sought a list of validated mines in Masisi (see annex 10) and a confirmation of the presence of armed groups from the North Kivu mining authorities. The authorities confirmed to the Group that although the Kibanda and Rubonga mines were listed as validated, sourcing from the two mines had been suspended because they were occupied by APCLS factions.

52. The same sources informed the Group that the two APCLS factions also fought over the control of local market centres in the Masisi territory at Bafuna and Banyungu *groupements* for the purpose of extorting taxes on people who used the markets. APCLS factions claimed a tax of between 300 and 500 Congolese francs depending on the merchandise people bought, or demanded a share of the farm produce and/or minerals they carried. The Group's efforts to access those locations were unsuccessful owing to sporadic fighting by the armed groups.

Illegal trade

53. The Group spoke to five individuals involved in the trade of minerals originating from areas controlled by armed groups in Masisi and three truck drivers involved in the smuggling network. Two of the sources stated that the minerals came from Masisi centre and the Rubaya area, where they ran a network of local agents. The minerals were transported to Goma, often on motorbikes or concealed in loaded trucks. Buyers were often stationed at specific centres along the route, including Kamatare and Kabigo in North Kivu, and Numbi, Kihonga, Kalungu and Minova in South Kivu. Sometimes the smugglers stocked minerals until a sizeable quantity was reached and/or a customer was found. In October 2018, the Group was shown a stock of untagged coltan along the route, waiting for a buyer (see annex 11). The Group could not estimate the quantities and the value of the minerals trafficked along the route.

54. The three truck drivers operating between Goma and Masisi declared that they were often hired to collect minerals, which they concealed among sacks of charcoal or farm produce such as bananas and delivered to the buyers, mostly in Goma. A mining official from North Kivu confirmed the existence of the smuggling route. The Group is also aware of the existence of other smuggling routes, but documented only the one discussed.

55. Two sources from the Commission nationale de lutte contre la fraude minière, as well as two négociants from the Kabashuba and Koyi mining areas, told the Group that minerals from zones occupied by armed groups and minerals smuggled from other mines continued to contaminate the supply chain due diligence process. In October 2018, two négociants stated that they were in possession of the International Tin Supply Chain Initiative (ITSCI) traceability system tags, but had no minerals to tag, owing to the shortage of minerals on the market. They added that it was very difficult to differentiate between minerals from green zones and those from red zones in Masisi territory because of the suspension of the ITSCI tagging system as a result of the involvement of armed groups in the actual mining, taxation or sale of minerals. The Group noted that in a letter dated 26 April 2018 (see annex 12), the Société minière de Bisunzu (SMB) complained about the smuggling of minerals in Rubaya (Masisi territory).

B. Armed groups

56. The Group investigated armed group activities in the northern part of Masisi territory. The Group found that the split in the dominant armed group APCLS had led to heavy fighting and serious human rights violations in the region. The situation had

worsened when other armed groups allied with the different factions of APCLS. Some FARDC elements also played a role in the polarization of the conflict.

Split in the Alliance des patriotes pour un Congo libre et souverain and alliance with other armed groups

57. In December 2017, "General" Mapenzi Bulere Likuwe broke away from APCLS with a small number of combatants to start a new armed group called APCLS-Rénové (APCLS-R). "General" Janvier Buingo Karairi has been the long-standing leader of APCLS (S/2011/738, para. 219). Several sources in the local community, the civil society of Masisi and local researchers told the Group that there were several reasons for the split.

58. First, there was the personal dispute between Mapenzi and Janvier concerning the exploitation of mining sites in their area of control. Janvier was reluctant to increase the number of mining sites under APCLS control while Mapenzi was in favour of more exploitation of natural resources.[10]

59. Second, political actors had manipulated Mapenzi in order to replace Janvier, who was difficult to control. Janvier was opposed to the regime of the President of the Democratic Republic of the Congo, Joseph Kabila, and would be an unreliable factor in the electoral process. Several political actors linked to the presidential majority were cited as the driving forces behind Mapenzi's efforts to decrease the influence of Janvier. The Group could not, however, document the involvement of any specific political actors.

60. During the period under review, the split in APCLS was the trigger for increased violence in the region, which was reinforced by the involvement of other armed groups. According to most sources, two factions of armed groups were facing each other in the northern part of Masisi territory (see annex 13).

61. On one side, APCLS-R collaborated with the Nduma défense du Congo-Rénové (NDC-R), led by the sanctioned individual "General" Shimiray Mwissa Guidon, and with the Buhoza/Apollo group, led by "General" Apollo.[11] This can be considered a fully fledged coalition. Several sources witnessed joint attacks by those groups against villages and APCLS (see, for example, para. 69 below). Furthermore, NDC-R and APCLS-R shared headquarters in Kilambo.

62. On the other side, APCLS developed a loose coalition with Nyatura Kavumbi, Nyatura Nzai and Nyatura Jean-Marie. The foreign armed group Conseil national pour le renouveau et la démocratie (CNRD) was also involved in fighting against NDC-R and APCLS-R. Most of the sources told the Group that the common enemy, in this case the armed Rwandan opposition group NDC-R, was the driving factor behind the loose coalition.

Role of the Forces armées de la république démocratique du Congo

63. The Group found that some FARDC elements in Masisi territory were using armed groups such as APCLS-R and NDC-R in their fight against other armed groups.[12] Fifteen sources, including eyewitnesses, civil society members, local

[10] Some sources told the Group that Janvier was not active in mining sites. However two ex-APCLS combatants told the Group that APCLS was active in different mining sites near Mahanga. Furthermore, the Group has previously documented mining activities by APCLS (see S/2017/672/Rev.1, paras. 91–92).

[11] This list is not exhaustive. There are other smaller armed groups also linked with APCLS-R, but they are not usually involved in the incidents reported.

[12] The Group has previously documented that practice (see, for example, S/2016/466, para. 80).

researchers, human rights actors, community leaders and State authorities, confirmed that fact to the Group.

64. One civil society source told the Group that when a government official reported a fight between two different armed groups in August 2018, the official was told by an officer of FARDC that he could not report the fight because one of the armed groups, APCLS-R, was working with FARDC.

65. Another FARDC officer declared that collaboration with APCLS-R was necessary owing to the lack of FARDC resources in the region to fight other armed groups.

66. Local sources saw APCLS-R combatants riding in a KAMAZ truck owned by FARDC, while others observed APCLS-R combatants in the FARDC camp in Nyabiondo in October 2018. According to civil society sources, the headquarters of APCLS-R and NDC-R were located in Kilambo between two FARDC positions (in Lwibo and Lukweti respectively), and FARDC allowed armed group combatants to move freely.

67. Several sources indicated that elements of the first battalion of the 3410 regiment, in particular, were working together with APCLS-R and NDC-R in Masisi territory. The Group is also aware that several FARDC officers were involved, but could not confirm that the FARDC high command was aware or informed of that collaboration. The Group asked the Government of the Democratic Republic of the Congo for clarification, but had not received a response at the time of writing.

68. Three sources informed the Group that FARDC troops deployed in Nyabiondo collaborated with APCLS-R in the illegal taxation of civilians on the roads from the mines to Lwibo and Lukweti. Both FARDC and APCLS-R erected roadblocks and levied between 200 and 500 Congolese francs per person per passage. Those without money were taxed a share of whatever they carried, whether farm produce and minerals.

Human rights violations in the Kahira area

69. The Group found that Kahira village and its surroundings, considered to be under the control of APCLS, had been attacked at least six times by armed groups since July 2018. The attacks resulted in serious violations of international humanitarian law and in the displacement of thousands of people to the areas near Nyabiondo and Kitchanga. Eight eyewitnesses and internally displaced persons stated that a coalition of APCLS-R, NDC-R and Buhoza/Apollo combatants, under the command of Mapenzi, his deputy, "General" Poyo, and Apollo, conducted the attacks.

70. They also explained that the village had been attacked by well-armed combatants mostly dressed in military fatigues and accompanied by children, who often carried the loot. More than 150 houses were looted in total.

71. At least 10 villagers were killed during the attacks, including a student and the wife of a village chief. Three witnesses said that seven children were kidnapped by the attackers. In September 2018, five internally displaced persons told the Group that combatants had raped at least 13 women during the different attacks, including 3 girls aged 12, 13 and 14.

V. Shabunda territory

A. Conflict-related sexual violence and use of child soldiers in Shabunda territory

72. Based on interviews in June, September and October 2018 with 17 victims, 1 witness, civil society members, local authorities, local researchers, 1 ex-Raia Mutomboki element and staff from non-governmental organizations and MONUSCO, the Group found that the Kokodikoko faction of Raia Mutomboki, led by Masudi Alimasi Kokodikoko, committed mass gang rapes, serious sexual crimes amounting to torture and sexual slavery against at least 17 women around Lubila in Shabunda territory in September 2018. The Group also found that Kokodikoko and his group used child soldiers. All of those acts constitute serious violations of human rights and international humanitarian law, and are sanctionable acts under subparagraphs (d) and (e) of paragraph 7 of Security Council resolution 2293 (2016).

73. The Group obtained a picture of an individual and, based on its investigations, believes that the individual is Kokodikoko (see annex 14).

74. During a phone call held on 9 November 2018, Kokodikoko denied any involvement, including any involvement by any member of his faction, in the rapes. He told the Group that he had never heard of any rapes having been committed around Lubila. He also denied the presence of any soldier under the age of 18 within his group. He explained that while there were child soldiers at the beginning of the Raia Mutomboki movement, they had been released "a long time ago".

75. Kokodikoko confirmed, however, that his group's headquarters were based in the Lubila forest, though at the time he was in Katenge, close to Lutunkulu, following an attack by FARDC a week before the phone call.

Modus operandi of the rapes

76. The Group is aware that on 8 and 9 September 2018, armed elements of the Raia Mutomboki Kokodikoko faction conducted a hit-and-run attack against Lubila[13] and its surroundings, a gold-rich area that was difficult to access (see annex 15 and paras. 84–95, below). During the attack, they looted several houses, shops and merchants, taking various goods and money. They abducted at least 4 men and 15 women, forcing several to carry the looted belongings, and brought them to a location in the Lubila forest which most described as a big stone cave.

77. A total of at least 17 women, between the ages of 15 and 70, including 2 women not abducted in Lubila, were held captive in the cave. During four days the Raia Mutomboki elements repeatedly gang-raped the women. They also introduced various tools into the vaginas of several of the women, severely injuring some. Women who resisted being assaulted were additionally mistreated.

78. Raia Mutomboki elements shouting "*Tchai! Tchai!*"[14] (Tea! Tea!) usually announced the beginning of the rapes. Before the rapes, Raia Mutomboki elements also danced and sang. Some of the songs, described as full of insults, spoke about penises, vaginas and penetration. The songs expressly mentioned the name of "Chief Kokodikoko" and praised him. During this last ritual, Kokodikoko was either in the middle of his elements or on the side watching them.

[13] One of the victims said that the village was called Lubige.

[14] Shouting "Restaurant! Restaurant!" was also used as a signal for the rapes.

79. Kokodikoko chose the women he preferred, usually selecting the youngest ones, and raped them first. He raped at least nine women. It was only after he had raped the selected women that he authorized or ordered his elements to rape the women.

Use of child soldiers

80. Six rape victims cited the presence of child soldiers, referring to "*Kadogo*" or small boys, in charge of Kokodikoko's escort and/or involved in the attack and abductions in Lubila. Some of the boys also committed rapes. One victim specified that there were three child soldiers, around 15 or 16 years old, in the cave.

81. One local authority and one civil society representative corroborated the presence of child soldiers within the faction. The local authority stated that three children below the age of 18 were part of it.

Other instances of rapes and recruitment and use of child soldiers

82. The Group established that other gang rapes and the recruitment and use of child soldiers by various Raia Mutomboki factions had taken place (see annex 16), but could not confirm, based on its methodology, the involvement of the Kokodikoko faction.

83. In October 2018, the Group received information that people assisting rape victims were being threatened by unidentified individuals. In particular, the Group saw text messages containing explicit and targeted death threats sent between 14 and 16 September 2018 to one such person (see annex 17).

B. Tin, tantalum, tungsten and gold

Illegal tin, tantalum and tungsten minerals from Shabunda territory laundered in Walungu territory

84. During the period under review, the Group found that tin, tantalum and tungsten sourced from areas controlled by Raia Mutomboki factions and some FARDC elements in Shabunda territory had been laundered in Walungu territory. The Group confirmed that Congolese mining officials were aware of the practice.

85. In October 2018, one civil society actor, two traders from Kigulube (Shabunda territory) and one mining official from Nzibira (Walungu territory) told the Group that most of the tin, tantalum and tungsten tagged as being from the Chaminyago mining site located near Nzibira were in fact from mining sites located in Kigulube and Nzovu (Shabunda territory). The official list of validated mining sites obtained by the Group shows that mining sites in Kigulube and Nzovu were not validated and therefore not eligible for mineral exploitation and trade. Several officials said to the Group that the sites could not be validated because of the involvement of armed actors in the exploitation of minerals. The official list shows that Chaminyago is validated (see annex 18), but the Group visited the site in June and October 2018 and witnessed no mining activity taking place there.

86. Several sources confirmed that Raia Mutomboki factions led by Ngandu and Donat received 10 per cent of the tin, tantalum and tungsten production as part of the "war effort" in non-validated mining sites such as Katombi, Luyuyu and Kasilu in Shabunda territory. Two mining officials from Walungu territory and two Kigulube-based minerals traders told the Group that some FARDC elements based in Kigulube also received 10 per cent of the production from the same mining sites for "security effort". The Group confirmed that they were commanded by Lieutenant Colonel Kitenge Yesu Albert, also known as Diabos, but was not able to confirm if their commanders had been informed. According to the sources, both Raia Mutomboki

leaders and some FARDC officers sent their representatives to collect 10 per cent of the production from the managers of the local mining sites. Two of the sources confirmed that the 10 per cent was generally provided in kind.

87. The Group received information that the minerals collected were either sent to Bukavu by road or laundered at the Chaminyago mining site. When the Group investigated the main buyer of minerals from the site, it found that Ets Rica, a Bukavu-based processing company, was one of the leading buyers. For example, the Group was able to confirm that Ets Rica received 3,300 kilograms on 7 October and 2,200 kilograms on 26 October from Chaminyago. Five sources involved in the mineral sector in South Kivu told the Group that Ets Rica pre-financed the activities of négociants who operated in Nzovu and Kigulube in order to ensure that the company would receive the minerals sourced there.

88. Three mining officials told the Group that the minerals received by Ets Rica in October 2018 were sourced from the Nzovu area. The officials added that they had received instructions from their hierarchy to maintain the system of tagging minerals from non-validated mining sites. In fact, besides Chaminyago, other validated sites were deliberately used by mining officials to launder minerals from Shabunda territory. For example, the Group confirmed that in November 2018, 2,530 kilograms of tin, tantalum and tungsten sourced from the Nzovu area had been introduced into the supply chain as minerals from Zolazola and Kanyugu, two validated mining sites located near Nzibira. The Group could not confirm which company purchased the minerals.

89. The Group conveyed its findings in a letter to the heads of Ets Rica, but has not received a response as of the time of writing. The Group also presented its findings to the International Tin Association Ltd. which manages the ITSCI Programme for Responsible Mineral Supply Chains in the Democratic Republic of the Congo. In a letter to the Group dated 12 November 2018, the Association responded that it had briefly investigated the Group's findings and would continue to do so with the aim of mitigating any confirmed issues in the coming weeks. The Association also opened an incident report in relation to the Group's inquiry and provided additional contextual information on the tin, tantalum, tungsten and gold sectors in Shabunda territory. The Group intends to discuss those issues further with the Association.

Gold

Armed groups and involvement of the Forces armées de la république démocratique du Congo

90. During the period under review, the Group found that, as previously documented (S/2015/19, paras. 192–194), gold exploitation in Shabunda territory was still controlled by either armed groups or some FARDC elements. The Group noted that both were involved in various ways and in different parts of the territory.

91. The Group interviewed three owners of dredges who exploited gold on the Ulindi River around Shabunda city. They all reported that FARDC elements collected between 1 and 2 grams of gold per dredge every two weeks, depending on the level of production. The information was confirmed to the Group by a civil society actor in Shabunda. The four sources told the Group that FARDC elements were paid either in kind or in cash. The Group could not independently confirm the exact number of dredges around Shabunda city, but from various testimonies it estimated that the total number was around 15 in September 2018.

92. The Group investigated activities related to gold in Lubila and Kigulube and learned from two local chiefs, one civil society actor and two individuals associated with the gold trade that in both areas, miners were requested to work at least once a

week for FARDC elements. Two of the sources told the Group that in Bimpanga, located 9 kilometres from Kigulube, they witnessed elements of FARDC collecting gold from local miners. According to those sources, taxation took place on a weekly basis and each of the 18 sites paid 2 grams in kind or in cash.

93. The sources also informed the Group that the Raia Mutomboki factions who operated in the two areas mainly obtained gold by looting the population, including miners at the mining sites. They presented the faction led by Kokodikoko as the most active and violent in the recent months. The Group was informed of a series of incursions by Raia Mutomboki Kokodikoko elements in the Lubila area and noted that the most recent one took place in October 2018, 5 kilometres from the FARDC position. During the operation, the armed group looted 20 grams of gold. In November 2018, during a phone conversation, Kokodikoko denied any recent involvement in the gold sector.

94. The Group interviewed several individuals associated with the gold trade in Shabunda territory and noted that gold exploited in Shabunda city, Lubila and Kigulube was mostly traded in Bukavu. The Group received the names of Bukavu-based individuals who illegally facilitated the export of gold sourced from Shabunda territory. It is the Group's intention to continue its investigations on those individuals for its final report.

95. The Group confirmed that the gold in Bukavu was mainly smuggled to Burundi, Rwanda and Uganda, and was ultimately exported to the United Arab Emirates.[15] The Group interviewed sources who confirmed the pattern the Group documented regarding the Rwandan route in its previous report (S/2018/531, paras. 127–128). The Group received a letter from the authorities of Rwanda concerning its findings (see annex 19). During the period under review, the Group specifically investigated realities relating to gold smuggled to Uganda.

Uganda

96. Several sources, including mining officials, researchers and Kampala-based gold traders, told the Group that Kampala was a recipient of smuggled gold from the Democratic Republic of the Congo, which is consistent with the Group's previous findings (S/2018/531, paras. 92 and 121, S/2017/672/Rev.1, paras. 72 and 119–126, S/2015/19, paras. 199–201, and S/2014/42, paras. 182–188). In addition, the Group found that Ugandan authorities lacked a coherent policy to combat smuggling. The Group also found that Kampala-based gold exporters did not have an efficient system to avoid the contamination of their supply chains with illegally traded gold from the Democratic Republic of the Congo.

Main gold exporters

97. The Group confirmed that, in addition to African Gold Refinery Ltd. (AGR),[16] a new refinery, Bullion Refinery Ltd., currently processes and exports gold from Uganda to Dubai.[17] Documents obtained by the Group showed, for example, a significant volume exported by Bullion Refinery Ltd. in October 2018 (see annex 20). In September 2018, three sources familiar with Ugandan gold production and export told the Group that the domestic production was low compared to the volume of

[15] The Group intends to further investigate the United Arab Emirates route in the lead-up to its final report.

[16] The Group has previously reported on the activities of African Gold Refinery (see, for example, S/2017/672/Rev.1, paras. 123–125).

[17] Publicly available reports also mentioned another refinery, Simba, but the Group could not confirm the information and the authorities of Uganda did not respond to the Group's request for information.

exports. The sources added that most of the gold exported from Uganda was sourced from the Democratic Republic of the Congo, as well as from the United Republic of Tanzania, Mali, Burundi and Kenya.

98. The Group requested the names of suppliers from AGR and Bullion Refinery Ltd. in order to verify whether the suppliers were involved directly or indirectly in any sanctionable acts in the Democratic Republic of the Congo.[18] While Bullion Refinery Ltd. did not respond to the request, AGR sent two letters to the Group. In the letters, the company reiterated its previously expressed willingness to seek the "proper consent" of the suppliers before providing the information to the Group (S/2017/672/Rev.1, para. 125). In the same letters, AGR reiterated that it did not source any undocumented gold from the Democratic Republic of the Congo. AGR also stated that Alphonse Katarebe would succeed Alain Goetz as Chief Executive Officer of the company.

99. The Group notes with concern the lack of cooperation from the two companies and believes that such a lack impedes its ability to conduct a comprehensive analysis on the compliance by the two companies with the Group's guidelines on due diligence (see S/2011/738). The Group requested the information on suppliers from the authorities of Uganda and is expecting a response.

100. Two independent sources associated with AGR and Bullion Refinery Ltd. told the Group that the companies were reluctant to disclose the names of their suppliers because they were aware that their activities were not always legal. In fact, documents[19] concerning a supplier for AGR obtained by the Group show the risk of contamination of the supply chain with gold illegally sourced or traded from the Democratic Republic of the Congo. The supplier, a Congolese national based in Bukavu who provided AGR, in October 2018, with gold worth more than $3 million, travelled with an official document, delivered five months earlier, identifying his occupation as that of an electrician. The supplier declared to AGR that the gold was sourced from the United Republic of Tanzania. Initial investigations conducted by the Group suggested that the individual was used as a broker by many Bukavu-based gold smugglers. AGR did not respond to the Group's inquiry as to whether it had a policy to verify the accuracy of statements made by Congolese nationals who claim that the gold they sell was not sourced from the Democratic Republic of the Congo.

101. The Group also confirmed that a major supplier for Bullion Refinery Ltd. is a Congolese trader based in Ariwara in the Ituri Province. Initial investigations conducted by the Group show that the individual is not officially eligible for the gold trade inside or outside the Democratic Republic of the Congo. The Group intends to continue its investigations regarding the suppliers of Bullion Refinery Ltd. and AGR.

Role of the authorities

102. The Group noted that, in Uganda, the International Conference on the Great Lakes Region certificate is not yet compulsory.[20] The Group spoke with two Kampala-based gold exporters who explained that this was the reason they did not request those certificates from suppliers from the Democratic Republic of the Congo.

[18] The Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo designates for sanction, inter alia, individuals or entities that illegally support armed groups and criminal networks through the illicit trade of natural resources, including gold.

[19] Archived at the Secretariat.

[20] As of the time of writing, only two countries of the International Conference on the Great Lakes Region (the Democratic Republic of the Congo and Rwanda) require the certificates.

103. The Group also noted that the authorities of Uganda have failed to share the results of their investigations into Kampala-based gold traders (S/2015/19, para. 203).

104. On 1 November 2018, the Group sent a request for information to the Government of Uganda. On 8 November, in a response to the Group, the authorities of Uganda told the Group that, while they were willing to cooperate and work closely with the Group, they had concerns about the short notice of one week to provide the information. The Group extended the deadline for one more week and did not receive a response. The Group will consider the response from the Government of Uganda once it is received.

VI. Non-notification of deliveries of weapons and related materiel

A. Re-exportation of sponge grenades by South Africa

105. The Group received information that, between December 2017 and January 2018, South Africa delivered quantities of sponge grenades to the Government of the Democratic Republic of the Congo (see annex 21). Sponge grenades are riot control weapons, intended to be non-lethal, and are generally fired from a 40 mm grenade launcher. The sponge grenades (SIR-X BT 23715) that the Group identified were produced in Switzerland. The Group received credible information that the materiel was re-exported by South Africa to the Democratic Republic of the Congo. The Group requested further details from the authorities of South Africa but has not yet received a response at the time of writing.

B. Delivery of military-related materiel from New Zealand

106. The Group received information that, in April 2018, a company named Eastpac International Trade Ltd. delivered military-related materiel, including helmets, boots and bulletproof vests, to the Democratic Republic of the Congo. The Group's initial investigations established that the company was based in New Zealand. The Group requested assistance from the authorities of New Zealand with regard to tracing the activities of the company and checking its compliance with the sanctions regime. The New Zealand authorities asked for further details on the materiel delivered, which the Group provided. However, the authorities of New Zealand told the Group in November 2018 that, in the absence any additional specific evidence, they were unable to find any relevant exports by the company.

C. Delivery of military-related materiel from the United Arab Emirates

107. In October 2018, the Group received information that a company named Eastpac International LLC delivered military-related materiel, including boots and bulletproof vests, to the Government of the Democratic Republic of the Congo. The Group found that the company is based in the United Arab Emirates (see annex 22) and that the materiel was loaded in Djibouti. The Group sent a request for information to the United Arab Emirates and is still waiting for their response. In November, the Group informed the authorities of Djibouti of its finding and requested information.

108. The Group could not confirm if Eastpac International Trade Ltd. and Eastpac International LLC belonged to the same group. The Group found that, in New Zealand, Eastpac International Trade Ltd. is known as an importer. The Group is also

aware of the existence of many companies with the name of Eastpac, including some generic holding companies in secrecy jurisdictions.

109. The Group believes that the role of Eastpac in arms deliveries in the Democratic Republic of the Congo should be further investigated.

D. Delivery of military-related materiel from China

110. In April 2018, the Group received information that China North Industries Group Corporation Ltd. (NORINCO) delivered military-related materiel to the Government of the Democratic Republic of the Congo (see annex 23). Military intelligence officers informed the Group that NORINCO delivered 47 20-foot containers that held 26,280 cases/boxes of AK-type rifles and ammunition. The Group sent a request to the authorities of China for further details, but has not yet received a response at the time of writing.

VII. Recommendations

111. The Group makes the recommendations set out below.

Government of the Democratic Republic of the Congo

112. The Group recommends that the Government of the Democratic Republic of the Congo:

(a) Investigate and prosecute, as appropriate, FARDC officers and elements involved in the illegal exploitation of tin, tantalum, tungsten and gold in Shabunda territory, as well as those who collaborate with armed groups in Masisi territory (see paras. 56, 63–68, 84–86 and 90–93);

(b) Investigate and prosecute direct and indirect perpetrators of conflict-related sexual violence and of the recruitment and use of child soldiers in Shabunda territory (see paras. 72–83).

Government of Uganda

113. The Group recommends that the Government of Uganda adopt legislation implementing the compulsory use of International Conference on the Great Lakes Region certificates (see para. 102).

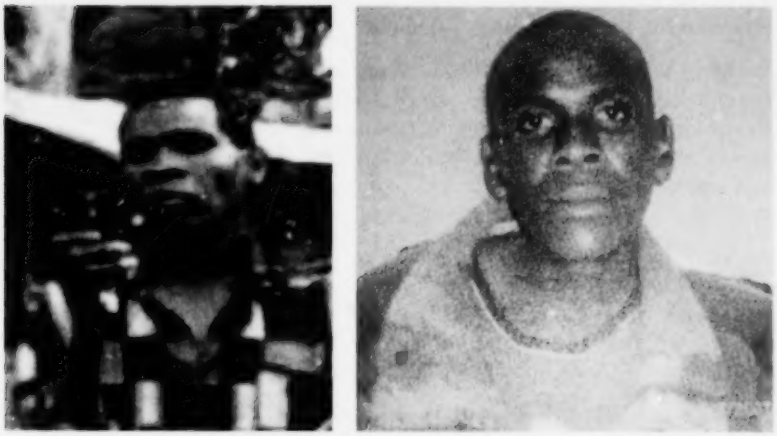
Security Council Committee established pursuant to resolution 1533 (2004)

114. The Group recommends that the Security Council Committee established pursuant to resolution 1533 (2004) renew its call to Member States that offer military assistance or deliver military-related materiel to the Government of the Democratic Republic of the Congo to strictly adhere to the notification requirement (see paras. 105–107 and 110).

Table of Contents_

Annex 1: Photos of Amigo 23
Annex 2: Recruitment routes 24
Annex 3: Fake Congolese electoral cards found in a house of a focal point of the recruitment network 26
Annex 4: Armed groups' attacks in Beni territory from 6 July to 9 November 2018 27
Annex 5: Map of the north-eastern part of Beni territory 31
Annex 6: Map of Beni city depicting the roundabout and the road to Kasindi 32
Annex 7: Attack against Matembo on 9 September 2018 33
Annex 8: Call by National Deputy Muhindo Nzangi Butondo to violent mobilization against attackers in Beni territory 34
Annex 9: Details on the recruitment routes to Bijombo forest 36
Annex 10: List of validated mines in Masisi territory as of October 2018 37
Annex 11: Sacks of smuggled coltan awaiting a potential buyer along the Masisi-Goma route 38
Annex 12: Part of the reply that SMB sent to the Group in April 2018 39
Annex 13: Clashes between armed groups in Masisi territory 43
Annex 14: Picture of Kokodikoko provided to the Group by two different sources from the civil society 44
Annex 15: Maps of relevant locations in Shabunda territory and Google Earth image of Lubila 45
Annex 16: Other instances of rapes and recruitment and use of child soldiers by Raia Mutomboki factions 47
Annex 17: Death threats SMS received by one person assisting rape victims from the Shabunda territory 48
Annex 18: List of validated mine sites in Walungu territory 50
Annex 19: Letter from the Rwandan authorities 51
Annex 20: Examples of Gold exported by Bullion Refinery Ltd in September and November 2018 . 54
Annex 21 : Sponge Grenade SIR-X 40x46mm 55
Annex 22: Eastpac International L.L.C 56
Annex 23: NORINCO 57

Annex 1: Photos of Amigo (aka Simba Amigo, Mzee Amigo)



Photos of Amigo from the archives of the Group

Annex 2: Recruitment routes (Beni territory, North Kivu)

The arrested focal point confirmed the existence of an international recruitment network via three different routes and provided the names of several local recruiters. Five other interviewees corroborated his evidence.

- One recruitment cell was active in South Africa under the command of a man called Souleyman. One recruit of Somali origin told the Group that he travelled first from Cape Town to Johannesburg, then to Harare, Dar-Es-Salaam, and finally Bujumbura before entering the Democratic Republic of the Congo via Bukavu. He added that his recruiter in South Africa—a Congolese man called Hamza—suggested this route.
- Another recruitment cell run by a man called Uzzidin operated from Dar-Es-Salaam in Tanzania. According to the detained focal point, at least four recruiters were active in this cell. Two Tanzanian recruits arrested in Beni had travelled from Tanzania to Bujumbura to enter the Democratic Republic of the Congo in Uvira.
- A third recruitment cell was active in Bujumbura, Burundi. Two arrested Burundian recruits identified a Muslim teacher at a mosque in Bujumbura as their recruiter. From Burundi the recruits crossed the border in Uvira or Bukavu (via Rwanda).

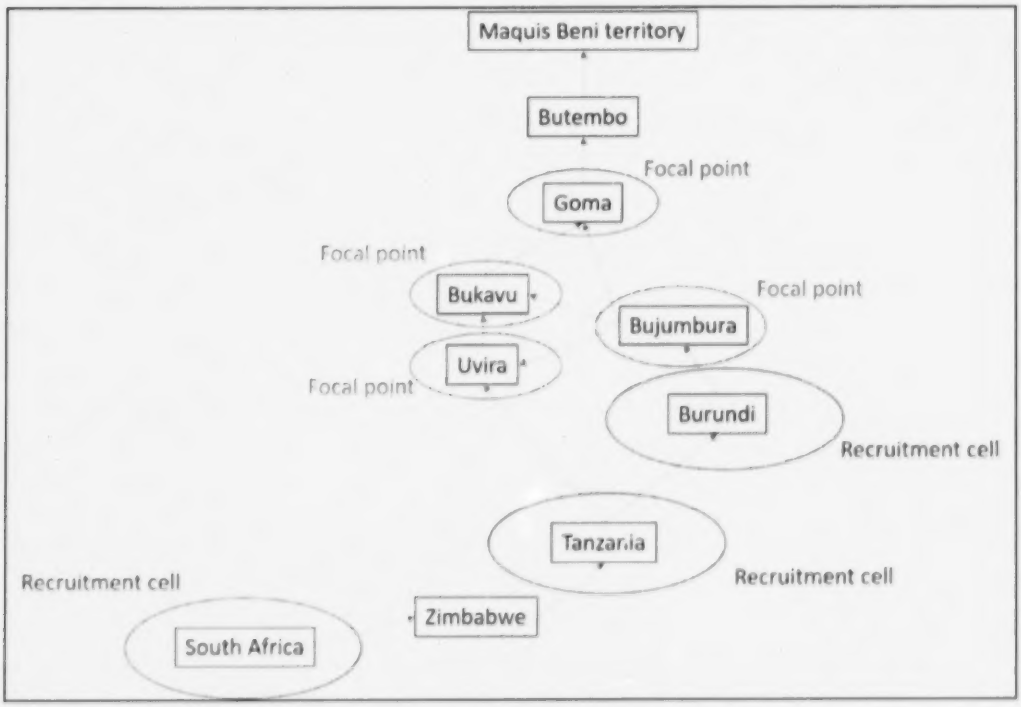


Diagram made by the Group

Eventually all the recruits from these three routes passed through Goma and travelled by road to Butembo. All the interviewed recruits said they travelled individually or in small groups. When in Butembo, they contacted a motorcyclist who took them to a

specific point north-east of Butembo, where half a dozen armed men picked them up and escorted them into the bush. After walking for about 10 hours, they arrived at an armed group's camp, which most of interviewed recruits referred to as Domaine.

When the new recruits arrived at the camp, combatants checked their personal belongings. Money, cell phones and any identity documents in their possession were taken from them. The armed group's camp was occasionally moved to another place in the eastern part of Beni territory. The new recruits were not allowed to discuss their journey with other recruits.

Annex 3: Fake Congolese electoral cards found in a house of a focal point of the recruitment network

Photo by the Group in October 2018

Annex 4: Armed group attacks in Beni territory from 6 July to 9 November 2018

List compiled by the Group on the basis of combined information from FARDC, MONUSCO, eyewitnesses and civil society actors in Beni area.

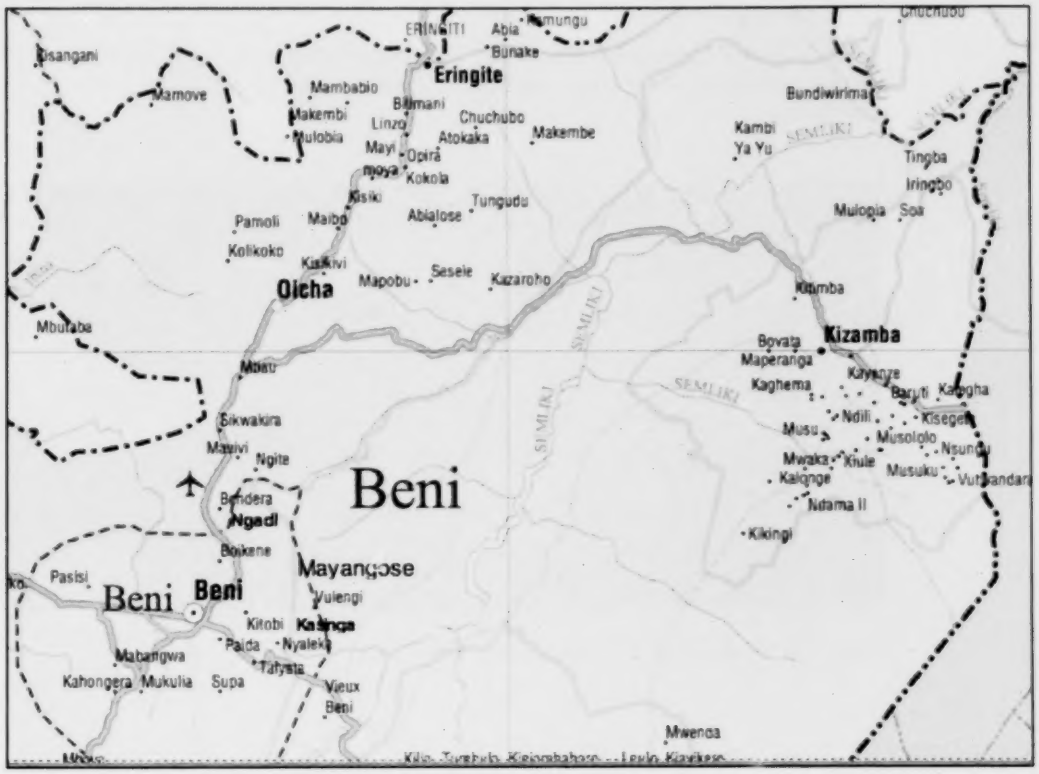
Date	Locations	Number of FARDC casualties	Number of MONUSCO casualties	Number of civilian casualties	Total number of people killed
6 July	PK35 (Mbau/ Kamango road)				
6 July	Boikene/Paida	**1 killed**	2 injured	1 injured	1
10 July	Between Linzo and Bilimani, near Eringeti				
10 July	Jericho	1 injured			
12 July	PK13 (Mbau/ Kamango road)	1 missing			
13 July	Between Jericho and Makembi	1 injured			
14 July	Mapiki camp near Oïcha				
14 July	Masulukwede near Mavivi	**1 killed**		**6 killed**	7
20 July	Between Opira and Abialose	**1 killed**			1
22 July	Ngite/Mavivi/ Masulukwede			**4 killed** 4 injured 3 abducted	4
25 July	Between Kasinga and Kididiwe				
28 July	Kadou			**1 killed**	1
29 July	Semuliki COB				
31 July	Bukane near Eringeti	1 injured			
2 August	Ruwenzori/ Mayangose			**14 killed** 2 abducted (2 escaped)	14
3 August	Muzambayi/ Ngadi axis	**1 killed** 4 injured 2 missing			1
5 August	Malolu			3 abducted	
7 August	Ngerere/Mwalika			15 abducted	
7 August	Mabanga near Eringeti	1 injured			
7 August	Kalingati			**1 killed** 11 abducted	1
7 August	PK23 (Mbau/ Kamango road)			**1 killed**	1
8 August	PK23 (Mbau/ Kamango road)	**2 killed**		**1 killed**	3
8 August	Kasinga	**1 killed**		**1 killed**	2

10 August	Mayi Moya/ Brazza			**7 killed** 1 injured 3 abducted	7
11 August	PK25 (Mbau/ Kamango road)/ Mamundioma	**2 killed** 1 injured			2
11 August	Kitchanga/ Rizerie near Nyaleke				
18 August	Boikene				
20 August	Kasinga	**3 killed** 1 injured			3
20 August	Mapobu				
20 August	Mukoko			1 injured	
22 August	Between Mukoko and Maibo			**2 killed**	2
23 August	Kitchanga			2 abducted	
24 August	Ngadi	**17 killed**		**1 killed**	18
24 August	Between Jericho and Makembi, near Eringeti	**1 killed**			1
30/31 August	Kakuka, Sayo, Kingamuviri and Muzirandulu	**1 killed**		**5 killed** 2 injured 1 raped	6
30 or 31 August	Masululwede near Ngite			1 injured	
3 September	Ngadi	2 injured	2 injured	2 injured 2 abducted (2 escaped)	
9 September	Matembo/ Nzuma/Mavivi/ Ngadi	**4 killed**		**1 killed**	5
16 September	Kididiwe				
18 September	Mbau/Kamango road	**2 killed**			2
19 September	Kokola			**1 killed** 2 injured 4 abducted	1
22 September	Kasinga				
22 September	Beni	**4 killed**		**17 killed** 11 injured 10 abducted	21
24 September	Oïcha			**1 killed** 16 abducted (3 escaped)	1
24 September	Makembi	**1 killed**			1
27 September	Kididiwe and "Point 46"				
28 September	Mukoko/ Matombo	**1 killed**		**6 killed** 3 injured 10 abducted	7
3 October	Kididiwe, Malolu and Kipeyayo				

4 October	Paida	**8 killed** 6 injured		**2 killed**	**10**
5-6 October	PK5/PK6/PK7 (Mbau/Kamango road)				
8 October	Kasinga				
9 October	Mayi Moya		1 injured		
9 October	Maibo near Mayi Moya			**7 killed** 3 injured	7
15 October	Boaba	**2 killed** 1 injured 3 abducted			**2**
20 October	Boikene	**1 killed**		**12 killed** 4 injured 11 abducted	**13**
20 October	Kimbau near Kokola	**1 killed** 3 injured			**1**
22 October	Paida			**2 killed**	**2**
23 October	PK5 (Mbau/Kamango road)			**1 killed**	**1**
24 October	Semuliki COB				
24 October	Oïcha			**3 killed** 3 injured 10 abducted (5 escaped)	**3**
28 October	Makumbo near Mbau			**8 killed** 3 injured 2 abducted	**8**
3 November	Mangboko	**1 killed**		**7 killed** 4 injured	**8**
3 November	Mambanike near Oïcha			**1 killed** 14 abducted (10 escaped)	**1**
3 November	Ngite/ Masulukwede			**1 killed**	**1**
5 November	Paida				
6 November	PK9 (Mbau/ Kamango road)				
8 November	Mulobia near Mayi Moya			**1 killed**	**1**
9 November	Silimbamba	**6 killed** 2 injured			**6**
		Totals: **60 killed** 24 injured 6 abducted/ missing	**Totals:** 5 injured	**Totals:** **117 killed** 42 injured 122 abducted/ missing 1 raped	**Total:** **177 killed**

Whenever available, the Group specified the number of the abductees/missing people who managed to escape.

Annex 5: Map of the north-eastern part of Beni territory



Map by the United Nations, as edited by the Group

Annex 6: Map of Beni city depicting the roundabout and the road to Kasindi

The red arrows indicate the directions from where the assailants of the 22 September 2018 attack against Beni city came from, according to the eyewitness interviewed by the Group.

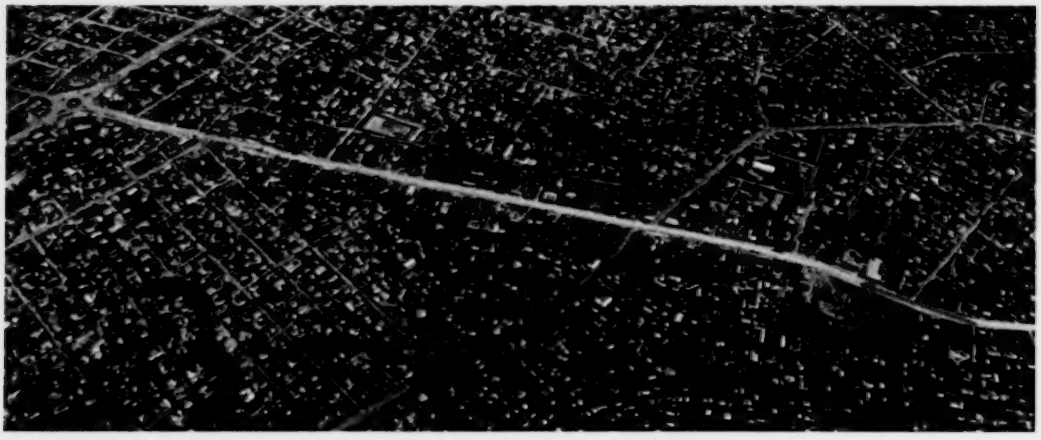


Image from Google Maps, annotated by the Group

Annex 7: Attack against Matembo on 9 September 2018

The account of the 22 September 2018 attack, as reported by that the eyewitness interviewed by the Group, differs from that of the 9 September 2018 attack against Matembo which was conveyed to the Group by the same person, who was also a direct witness of that attack.

First, the assailants' purpose in Matembo was apparently not to kill civilians. Indeed, the source, in his escape, accidentally bumped twice into two assailants who each told him which direction he should take. The source also heard the assailants' leader specifically instructing his troops not to kill, but to loot only. According to the source, the assailants shot and killed one civilian who was trying to escape with his goats. One local authority and MONUSCO sources actually confirmed the killing by gunshot of one civilian escaping with his goats, as well as the assailants' looting of the villagers' livestock.

Second, the source described men, women and children among the assailants. Some wore FARDC-like uniforms, but no bullet-proof jackets, while others wore cassocks and head covers. Some of the men carried firearms. Women and children carried machetes. They spoke Swahili.

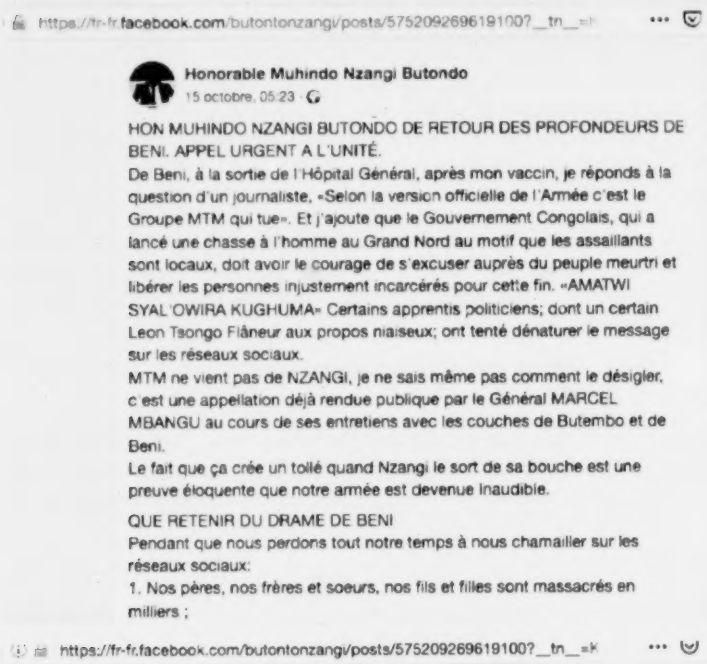
Third, the source saw the assailants arriving in a jumble and making a lot of noise, whistling and ululating.

However, similarly as other recent attacks, the attack against Matembo was launched within a short timeframe of other attacks. Indeed, attacks were also launched against FARDC positions in Matembo, Nzuma and Ngadi and killed four FARDC soldiers.

Annex 8: Call by National Deputy Muhindo Nzangi Butondo to incite violent mobilization against attackers in Beni territory

Screen shots taken by the Group of Experts on 12 November 2018 of the Facebook account of National Deputy Muhindo Nzangi Butondo:

https://fr-fr.facebook.com/butontonzangi/posts/575209269619100?__tn__=K-R



https://fr-fr.facebook.com/butontonzangi/posts/575209269619100?__tn__=K

Honorable Muhindo Nzangi Butondo
15 octobre, 05:23 ·

HON MUHINDO NZANGI BUTONDO DE RETOUR DES PROFONDEURS DE BENI. APPEL URGENT A L'UNITÉ.
De Beni, à la sortie de l'Hôpital Général, après mon vaccin, je réponds à la question d'un journaliste, «Selon la version officielle de l'Armée c'est le Groupe MTM qui tue». Et j'ajoute que le Gouvernement Congolais, qui a lancé une chasse à l'homme au Grand Nord au motif que les assaillants sont locaux, doit avoir le courage de s'excuser auprès du peuple meurtri et libérer les personnes injustement incarcérés pour cette fin. «AMATWI SYAL'OWIRA KUGHUMA» Certains apprentis politiciens; dont un certain Leon Tsongo Flâneur aux propos niaiseux; ont tenté dénaturer le message sur les réseaux sociaux.
MTM ne vient pas de NZANGI, je ne sais même pas comment le désigner, c'est une appellation déjà rendue publique par le Général MARCEL MBANGU au cours de ses entretiens avec les couches de Butembo et de Beni.
Le fait que ça crée un tollé quand Nzangi le sort de sa bouche est une preuve éloquente que notre armée est devenue inaudible.

QUE RETENIR DU DRAME DE BENI
Pendant que nous perdons tout notre temps à nous chamailler sur les réseaux sociaux:
1. Nos pères, nos frères et soeurs, nos fils et filles sont massacrés en milliers ;

https://fr-fr.facebook.com/butontonzangi/posts/575209269619100?__tn__=K

QUE RETENIR DU DRAME DE BENI
Pendant que nous perdons tout notre temps à nous chamailler sur les réseaux sociaux:
1. Nos pères, nos frères et soeurs, nos fils et filles sont massacrés en milliers ;
2. Nos enfants (notre avenir) sont pris en otage, rendus esclaves, lavés de cerveau et préparés pour devenir nos assassins dans les jours qui viennent.
3. Nos champs, nos maisons, nos villages et notre ville sont entrain d'être abandonnés.
4. Dans une courte vidéo tournée par moi même, dans les villages de Thenambo, Matombo et Kokola les larmes aux yeux j'observe impuissant comment les arbres poussent dans les maisons, des villages entiers complètement abandonnés.
5. C'est pas un film, dans la ville de Beni, une partie de la commune de Rwenzori est désertée par la population et la périphérie qui échappe au contrôle.
6. En ville de Beni, à Oicha, à Maimoya la route Principale est la ligne de démarcation entre deux mondes. Les cohortes des personnes de tous les âges quittent les habitations de l'est pour aller s'entasser dans les maisons à l'ouest.
7. Un nande n entre pas dans un camp de déplacé. Aucun camps n'est visible au milieu de ce drame, par conséquent aucune aide humanitaire d'urgence sur place. En réalité dans les familles d'accueil, c'est la vraie famine qui s annonce, les champs sont presque tous occupés soit par l'ADF ou le FARD. Impossible d'accéder.

Voir plus de contenu de Honorable Muhindo Nzangi Butondo

Interview of National Deputy Muhindo Nzangi Butondo confirming his call on his Facebook account, available at https://www.youtube.com/watch?v=JCU5Vo2tjeo (last consulted on 12 November 2018)

Screen shot taken by the Group of Experts on 12 November 2018 on Youtube

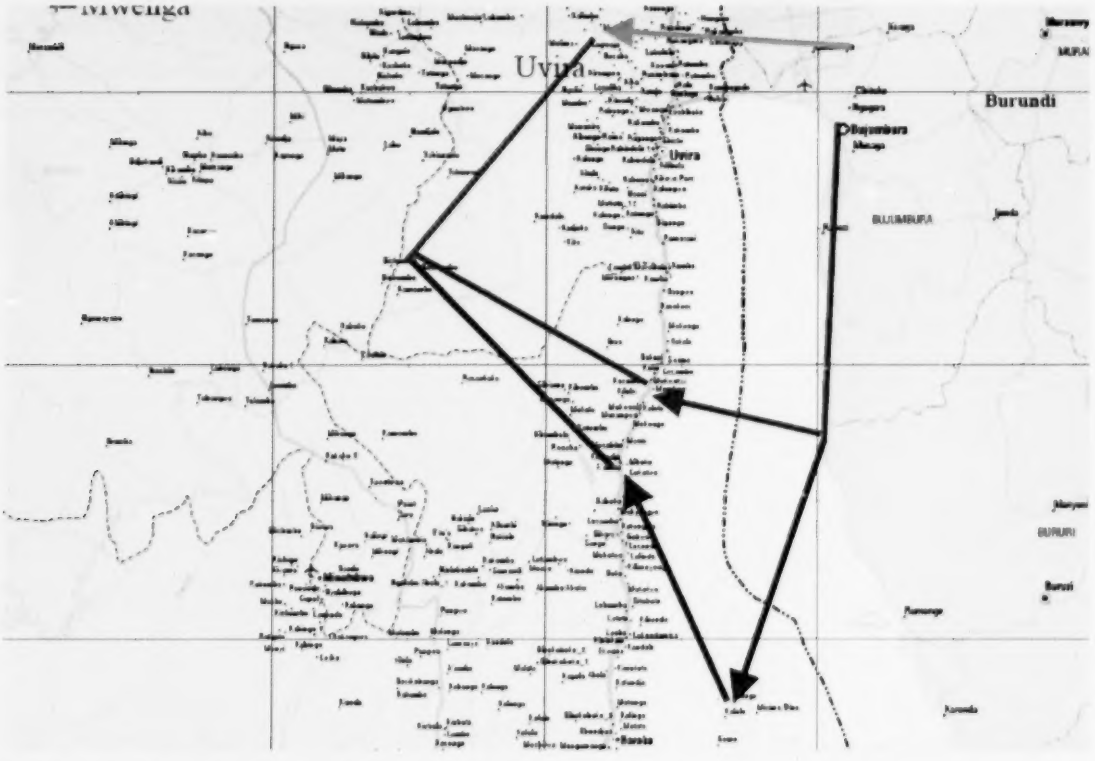
Annex 9: Details on the recruitment routes to Bijombo forest

The map below shows the routes that recruits took to arrive at the "P5" base of Bijabo, inside the Bijombo forest in the Democratic Republic of the Congo.

A dedicated group of recruiters appears to have consistently transported people from areas inside Burundi, Uganda, Kenya, South Africa, Mozambique and the Dzaleka refugee camp in Dowa District, Malawi, to a house in a Bujumbura neighborhood. Most people boarded public buses to Bujumbura. The parties of new recruits, often between 25 and 30, left the house around 8:00 p.m., travelled southward toward Rumonge and after about an hour or 50 kilometres, turned right, on a dirt road to the shores of the lake where a motorized pirogue brought them to the Congolese side.

Most of the ex-combatants described having landed in the Ubwari peninsula where they were received and hosted by local fighters they described as being part of Maï Maï Yakutumba. One ex-combatant who travelled the route in January 2018, stated that the pirogue had taken his group to Mizimu, a small village at the tip of the Ubwari peninsula. Other combatants claimed that the route at some point, between February and March 2018, changed, with the pirogues landing directly on the Congolese mainland without stopping in Ubwari, much further north. These recruits were assisted by another Maï Maï group, which they could not identify but one ex-combatant claimed they spoke Bembe. All recruits were received by a mobile group of armed men, usually between 10 and 12, coming from Bijabo who took them on a three-day journey to Bijabo.

One former combatant described having crossed the Rusizi river together with six other recruits in February 2018.



Map by the United Nations, as edited by the Group

Annex 10: List of validated mines in Masisi territory as of October 2018

REPERTOIRE DES SITES MINIERS QUALIFIES ET VALIDES" VERTS " EN PROVINCE DU NORD-KIVU

N'ordre	Dénomination	Minerais extraits	Code	Statut du site(qualification & validation)	observation
1.	TERRITOIRE DE MASISI				
01	D3 BIBATAMA	Coltan	PE/4731/MH/NK/Mines/Cert/001/2014	Vert	AR MIN 0078 du21FEV 2014
02	D2 MATABA	Coltan	PE/4731/MH/NK/Mines/Cert/002/2014	Vert	AR MIN 0078 du21FEV 2014
03	D2 BIBATAMA	Coltan	PE/4731/MH/NK/Mines/Cert/003/2014	Vert	Idem
04	D4 GAKOMBE	Coltan	PE/4731/MH/NK/Mines/Cert/004/2014	Vert	Idem
05	LUWOWO	Coltan	PE/4731/MH/NK/Mines/Cert/005/2014	Vert	Idem
06	BUNDJALI	Coltan	PE/4731/MH/NK/Mines/Cert/006/2014	Vert	Idem
07	KOYI	Coltan	PE/4731/MH/NK/Mines/Cert/007/2014	Vert	idem
08	BIHULA	Coltan & Cassiterite	CM/Rub/NK/Mines/Cert/008/2014	Vert	idem
09	MURULU	Coltan	CM/Rub/NK/Mines/Cert/009/2014	Vert	idem
10	D6 MUFUZI	Coltan	PE/NK/Mines/Cert/010/2014	Vert	dem
11	KATAKENDA	Cassiterite	PE76/SAK/NK/Mines/Cert/011/2014	Vert	idem
12	KISHASHA	Wolframite	PE76/SAK/NK/Mines/Cert/012/2014	Vert	idem
13	NYAMUKUBI	Cassiterite	PE76/SAK/NK/Mines/Cert/013/2014	Vert	idem
14	LUZIRANTAKA	Or	PE76/SAK/NK/Mines/Cert/0014/2014	Vert	idem
15	LWIZI	Or	PE76/SAK/NK/Mines/Cert/0015/2014	Vert	Idem
16	BIPAMBO	Coltan	PE76/SAK/NK/Mines/Cert/001/2014	Vert	Idem
17	KAMATALE	Coltan &Cassiterite	PE76/SAK/NK/Mines/Cert/002/2016	Vert	AR MIN 0034 du 02 FEV 2016
18	KAMATEMBE	Coltan &Cassiterite	PE76/SAK/NK/Mines/Cert/003/2016	Vert	Idem
19	KATEMBE	Coltan	PE76/SAK/NK/Mines/Cert/0017/2016	Vert	AR MIN 0078 du 21FEV.2014
20	KARUBA-LUSHAKI	Coltan	Néant	Vert	AR MIN 0078 du 21FEV.2014
21	SHAKUBANGWA	Coltan	PE76/SAK/NK/Mines/Cert/004/2016	Vert	AR MIN 0034 du 02 FEV 2016
22	RUKUNDA	Cassiterite	PE76/SAK/NK/Mines/Cert/005/2016	Vert	Idem
23	MUHISI	Coltan	PE76/SAK/NK/Mines/Cert/006/2016	Vert	dem
24	MUTANGA	Coltan&Cassiterite	PE76/SAK/NK/Mines/Cert/007/2016	Vert	dem
25	KIBANDA	Coltan&Cassiterite	SA Kib/NK/Mines/Cert/008/2016	Vert	Idem
26	RUBONGA	Coltan&Cassiterite	KA Sha/NK/Mines/Cert/009/2016	Vert	idem
27	MUSHWAU/MABOA	Cassiterite	BA.Mus/NK/Mines/Cert/010/2016	Vert	Idem
28	RWANDANDA	Coltan	NK.Mus/NK/Mines/Cert/011/2016	Vert	Idem
29	KATOVU/KALOBA	Coltan	Ma.K/NK/Mines/Cert/012/2016	Vert	Idem
30	MUHO-NYAKAGESI	Coltan	PE76/SAK/NK/Mines/Cert/013/2016	Vert	Idem
31	LUTINGITA	Coltan&Cassiterite	PE76/SAK/NK/Mines/Cert/014/2016	Vert	dem
32	KAHENEREZO	Coltan	MAS/NK/Mines/Cert/015/2016	Vert	dem
33	KILUKU	Coltan	BAR.S/NK/Mines/Cert/016/2016	Vert	Idem
34	NYENGE/BUKOMBO	Cassiterite,Or et Coltan	MB/KIS/NK/Mines/Cert/029/2016	Vert	AR M/N 0808 du 10 NOv 2016
35	PIKI	Coltan	HKM/VEN/NK/Mines/Cert/2016/2016	Vert	Idem
36	MUTIRI	Coltan	MAM/TU/NK/Mines/Cert/031/2016	Vert	idem
37	KAVUTA	Coltan	BUG/KALO/NK/Mines/Cert/032/2016	Vert	idem
38	SHAKINGI KASHOVU	Cassiterite	SHA/BLA/HIS/MA/Mines/Cert/0001/2017	Vert	AR M/N 0002 du 09 JANV 2018
39	MUHANGA	Cassiterite	MUP/BUA/EMA/NK/Mines/Cert/0002/2017	Vert	Idem
40	NDAHIMBWA	Cassiterite	NYAM/MUFU/PE76/NK/Mines/Cert/0003/2017	Vert	Idem
41	OSSO LUWOGHO	Coltan	BITO/ MUFU/PE76/NK/Mines/Cert/0004/2017	Vert	Idem
42	NYAGISENYI	Coltan	BITO/ MUFU/PE76/NK/Mines/Cert/0005/2017	Vert	idem
43	NYAKAJANGA KANYAMITSINDO	Cassiterite	NYAM/MUFU/PR8592/NK/Mines/Cert/0006/2017	Vert	idem
44	NYABIBWE NK	Cassiterite	NYAM/MUFU/PR8592/NK/Mines/Cert/0007/2017	Vert	dem
45	BUHUMBA	Cassiterite	KILO/MUFU/PR13784/NK/Mines/Cert/0008/2017	Vert	Idem
46	MUSHAKI NYAMIRAZO	Coltan et Cassiterite	xxxxxxxxxx	Vert	Idem
47	GUKUNDIZO	Coltan et Cassiterite	HUM/MUFU/PE76/NK/Mines/Cert/0009/2017	Vert	Idem
48	KASHAKI LUSHOA	Cassiterite	KAR/MUFU/PE76/NK/Mines/Cert/0010/2017	Vert	idem
2.	TERRITOIRE LUBERO				

Document obtained by the Group from the Mining Division, North Kivu province, in October 2018

Annex 11: Sacks of smuggled coltan awaiting a potential buyer along the Masisi-Goma route

Photo by the Group of Experts in October 2018

Annex 12: Part of the reply that the Société Minière de Bisunzu (SMB) sent to the Group in April 2018

SMB

SOCIETE MINIERE DE BISUNZU

ID.NAT. : 5-910-N79880N ; RCCM : GOM/RCCM/14-B-0009 ;
NIF: A1407282G; IMPORT-EXPORT: G/007-14/100889E/X

1. **Mining Statistics**

Please consult the attached excel spreadsheet table providing mineral productio statistics.[1]

The quantity lost by SMB Sarl each year represents more than 50% of the productio of our mine. An estimated 500 plus tons of mineral production is lost each year du to smuggling. Officially, only between 10 and 15 tons of coltan minerals from SMB Sa production are caught or recovered by government services each year. This portio of recovered minerals is greatly inferior in comparison to the rest of the smuggle minerals that succeed to reach their final destination in the neighboring country of Rwanda, or which are smuggled by buying entities—registered especially, in Gom and Bukavu—who declare false origins for these minerals. Please find attached a appendix videos[2] relating to fraud caught during the previous year of 2017. Thes videos really emblematically illustrate the global issue of fraud.

2. **On the SAKIMA letter of November 10th, 2017**
Addressed to the Provincial Division's Chief of Mines, South Kivu

Regarding a letter from SAKIMA dated November 10th, 2017 accusing SMB Sarl claiming 2300 Kg of minerals: we contest this letter and the allegations containe therein. We have never had an ore dispute between our company SMB and SAKIM in South Kivu Province or in the city of Bukavu regarding 2300 Kg of minerals.

[1] In appendix, an excel spreadsheet table containing statistics representing PE4731 between January 2017 and March 2018

[2] In, Google Drive

11, Av du Golf, Q. Himbi, C. Goma, Goma-Nord-Kivu
Tel: (+243)[illegible] / (+243)[illegible]
BP 103 Goma, RDC
Site [illegible], E-mail: [illegible]

3. Fight Against Fraud: Industrial Guard, Mine Police, and Delimitation of the Mining Perimeter

In order to improve the traceability of minerals, SMB SARL has taken the following measures to combat fraud:

Industrial Guard

The law in the Democratic Republic of Congo authorizes those with mining rights to form and supervise an industrial guard for the surveillance and safety of their workers and of their production operations within the mining perimeter.

Thus, according to Article 8 of Annex IV of the Mining Regulations, which stipulates that every holder of a mining perimeter is obliged to organize the safety of the mine, its warehouses; and on the recommendations of the National Commission against Mining Fraud (CNLFM[1]) North Kivu, and the Provincial Minister of Mines to strengthen traceability, and actively fight against fraud and mineral smuggling; In September 2017, we sent a letter[2] to the Governor of North Kivu Province seeking his authorization, as required by the procedure, for the training of the Industrial Guard (IM) to ensure the safety of the mine and SMB Sarl warehouses.

By letter N° 01/1168 / CAB / GP-NK / 2017 dated October 12, 2017, the Governor authorized[3] SMB Sarl to train its Industrial Guard. On this basis, SMB Sarl sent a letter[4] requesting personnel training from the National Police Academy (PNC) in Mugunga, North Kivu for the formation of our Industrial Guard.

The training of 30 Industrial Guardians lasted 30 days, during which they were trained namely regarding the protection of vital facilities, enforcement of traceability, safe guarding of human rights, and adherence to mining legislation.

On Monday, November 27th, 2017, a ceremony[5] of completion was conducted at the Mugunga National Police Academy in honor of all the trainees who completed the program and officially became industrial guardians. The completion ceremony was

[1] In appendix, the Minutes of the technical meeting of 25 July 2017 held at the initiative of the CNLFM North Kivu

[2] In appendix, the Letter to the Governor of North Kivu Province

[3] In appendix, the letter n° 01/1168 / CAB / GP-NK / 2017 of October 12th, 2017 authorizing SMB Sarl to form its Industrial Guard

[4] En annexe, notre correspondance référencée 195/SMB/CM-NK/10/2017 demandant la formation de cette Garde Industrielle

[5] See the attached press video

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held in the presence of all the stakeholders of the mining sector in North Kivu that were invited for the occasion. This new Industrial Guard was deployed as of December 4th 2017 at the SMB Sarl concession PE 4731 in Masisi. All the proper authorities and stakeholders were again notified[4] of this deployment.

The Mine Police

In the spirit of strengthening our arsenal in the fight against mining fraud, SMB Sarl signed a sentinel contract with the Congolese National Police in order to support the traceability reinforcement measures undertaken by SMB Sarl management and its Industrial Guard. By signing the contract with the police, all police enforcement personnel not invited by SMB Sarl had to vacate our mining perimeter.

Delimitation of SMB Sarl Perimeter

One of the arguments used by fraudsters to steal our minerals was that our perimeter (PE 4731) was superimposed on that of SAKIMA (PE 76) and that there existed a confusion of limits. Based on Article 31 of the Congolese Mining Code and in line with the recommendations of the Minutes of the Technical Meeting of 25 July 2017, held by initiative of the CNLFM North Kivu on the issue of supply chains in the territory of Masisi, and the Minutes of Adoption of August 11, 2017 by all stakeholders—especially in point 2—SMB Sarl has proceeded since February 2018 to complete a total demarcation of our perimeter and it turns out that our concession numbered PE 4731 is not superimposed or confused with that of SAKIMA in Masisi numbered PE 76. See the Delimitation or Bornage PV[5] of February 28, 2018.

4. Other Efforts by SMB Sarl in the Fight Against Mining Fraud

- SMB Sarl employs a traceability and anti-fraud team made up of 16 experienced officers and managers to monitor the supply chain and contribute to the fight against mining fraud and smuggling.

[4] In appendix, the SMB Sarl Communiqué n° 002/2017 of December 8 2017.
[5] In appendix, the Boundary Minutes No. CAMI/ 009/2018 of February 28, 2018.

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BP 168 Goma, RDC
Site [illegible] E-mail [illegible]

- SMB Sarl provided support to the Provincial Ministry of Mines by donating two motorcycles, in April 2016, to facilitate the mobility of its agents as they fight against mining fraud.
- SMB Sarl regularly writes to and informs State services to denounce cases involving fraud or interrupt the proper supply chain of minerals.
- Regular, yet answered, mineral sequestration from our PE 4731 to ITRI and its iTSCI labeling system. In fact, ores from our mining perimeter are sent to SAKIMA for labeling on behalf of the latter and sent to contracting treatment entities with SAKIMA in Goma. Consult our correspondence in annex[10].
- SMB Sarl has sounded the alarm to ITRI and iTSCI, cautioning against the fact that under its current labeling system minerals are rerouted from our concession and then tagged / attributed to other sites. Specifically, SMB Sarl minerals are illegally tagged and attributed to SAKIMA then sent to Comptoirs in Goma that have signed contracts with SAKIMA.

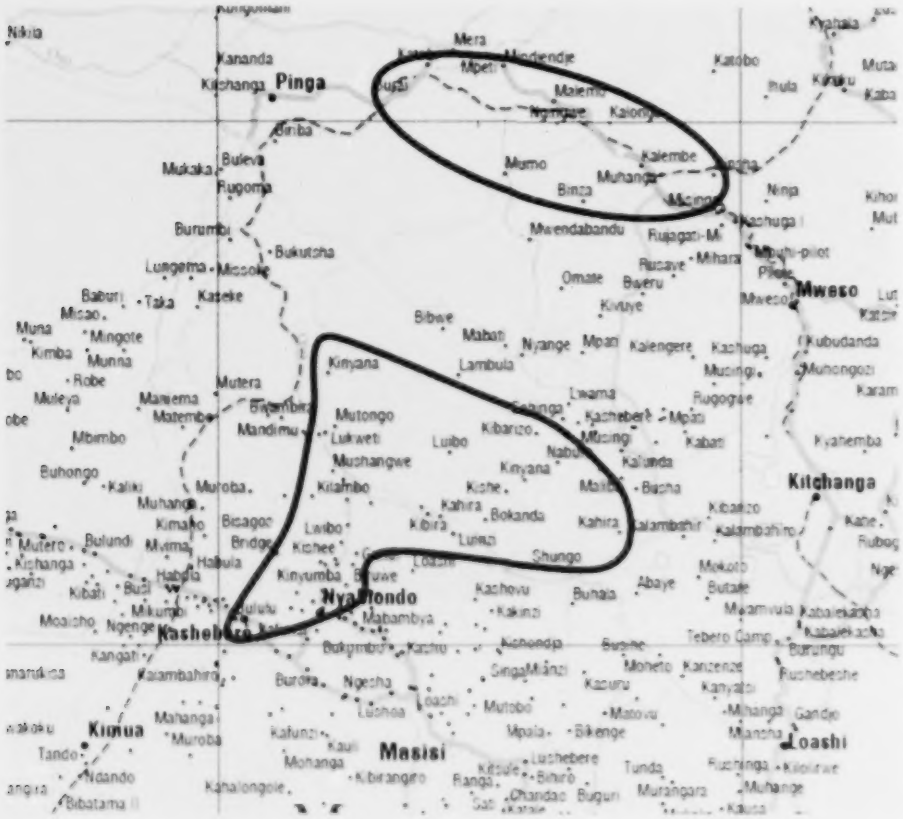
Annex 13: Clashes between armed groups in Masisi territory

The map below indicates the areas with the most clashes between armed groups in Masisi territory since July 2018.

Over 30 clashes were reported between armed groups in Masisi territory of North Kivu province. Most of these incidents took place in Bashali chefferie and Banyungu sector, but there were also some attacks in the northern part of Katoyi sector. At least 60 combatants were killed in several of these small incidents. Most of the fighting happened in the broader surroundings of Lukweti, the former headquarters of APCLS-Janvier.

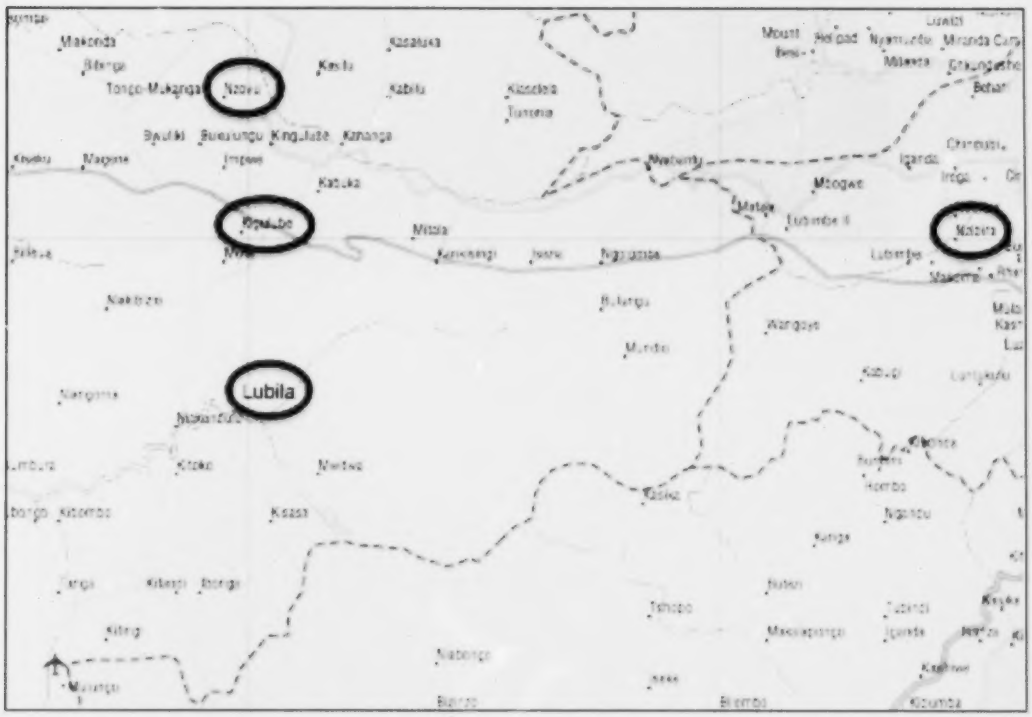
Since September 2018, an increase of attacks was observed on the Pinga-Mweso axis in the vicinity of Kalembe and Kashuga involving NDC-R, APCLS-Janvier and CNRD combatants.

The high number of incidents also had an impact on the local population. At least 31 civilians were killed during attacks, and thousands of IDPs took shelter in the vicinity of Nyabiondo and Kitchanga.


Pinga
Mweso
Kitchanga
Nyabiondo
Kasheberi
Kimua
Masisi
Loashi
Kalembe
Kashuga
Lukweti
Mutongo
Kinyana
Lambula
Mabati
Nyange
Mpati
Kalengere
Mutongi
Rugogwe
Kabati
Kyahemba
Mwendabandu
Rugagari-Mi
Mihara
Omate
Bweru
Kivuye
Bibaye
Mutera
Mandimu
Muchangwe
Kilambo
Kahira
Bokanda
Kibira
Lumuzi
Shungo
Kachovu
Buhaia
Abaye
Mukoto
Butale
Mbambya
Kakinzi
Kahongo
Tebero Camp
Burungu
Rushebeshe
Moneto
Kanzenze
Kanyabi
Kacuru
Mihanga
Gando
Matovu
Mpala
Bikenge
Mutobo
Ngecha
Burora
Kalambahiro
Kangati
Kibirangiro
Rangi
Bihuro
Chandao
Buguri
Murangara
Muhange
Kahalongole
Bibatama
Ndando
Tando
Kafunzi
Mohanga
Kitsule
Tunda
Fuchinga
Kiroirwe
Luzhebere
Kibua
Mutera
Mbimbo
Buhongo
Kaliki
Muroba
Muhanga
Kimaho
Bicagoo
Bridge
Habula
Bulundi
Mwima
Kishee
Lwibo
Kinyumba
Mikumbi
Ngenge
Moaicho
Kangati
Kalambahiro
Mahanga
Muroba
Kibati
Buzi
Kishanga
Mutero
Matembe
Mawema
Mbuli
Kiyana
Kishe
Maiba
Bisha
Kalambahiro
Kibarizo
Kahira
Kalambahiro
Kabati
Kyahemba
Kitchanga
Kabaleka
Rubog
Nge
Kabaleka
Kabaleka
Kalambahiro
Kibarizo
Kalambahiro
Kalambahiro
Kalambahiro

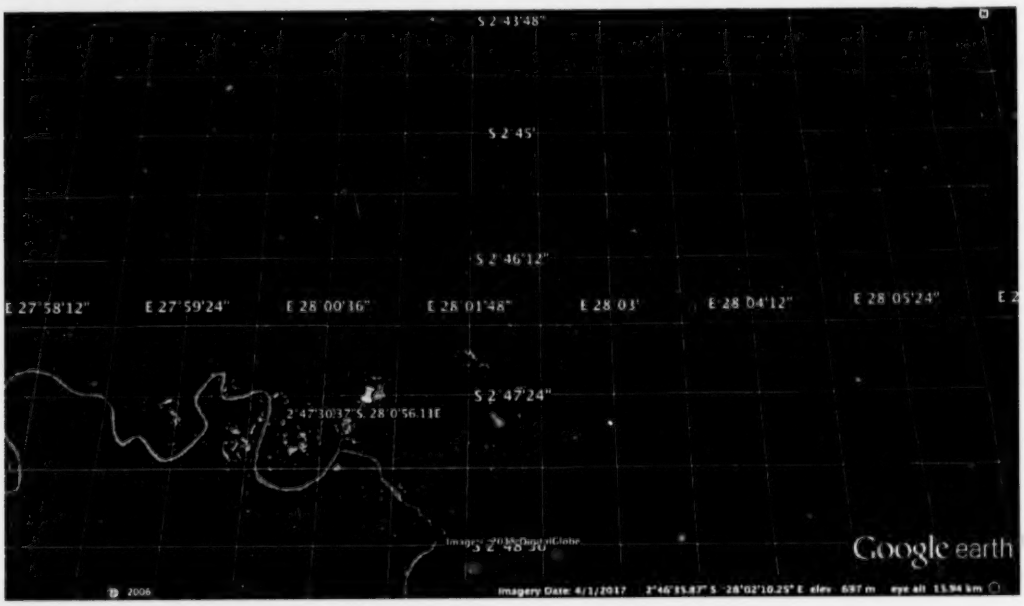
Annex 14: Picture of Masudi Alimasi Kokodikoko provided to the Group by two different sources from civil society

Annex 15: Maps of relevant locations in Shabunda territory and Google Earth image of Lubila



Maps by the United Nations, as edited by the Group

Location of Lubila based on the GPS coordinates provided to the Group by an NGO (2°47'30.37"S, 28°0'56.11E). However, several sources indicated that Lubila is closer to Isezia than to Kigulube, and more directly south of Isezia.



Annex 16: Other instances of rape and recruitment and use of child soldiers by Raia Mutomboki factions

Based on the interviews conducted by the Group, including with 18 additional rape victims, the Group found that, at least since the beginning of 2018, various Raia Mutomboki factions committed widespread and systematic acts of sexual violence in Shabunda territory as well as at the limit of the neighbouring Walungu territory.

Though the Group could not confirm which specific factions were involved, it notably established that armed Raia Mutomboki elements gang raped:

- At least eight women, aged between 27 and 70,[1] in the vicinity of the villages of Kamungini, Kiluma and Keba (close to Kigulube) in mid-April 2018;[2]

- At least five women, aged between 25 and 55, in the vicinity of the village of Busolo/Kabogosa, at the limit between Shabunda and Walungu territories, in April 2018;

- At least four women,[3] aged between 37 and 43, abducted from Nzovu on 10 October 2018. The rapes, perpetrated over a period of three days, followed a modus operandi similar as that used by the Raia Mutomboki Kokodikoko in September 2018. The four interviewed rape victims reported that the Raia Mutomboki elements who raped them also forcibly recruited and used several child soldiers, including some as young as eight, ten and twelve years old.

Other reliable information provided to the Group indicates higher numbers of rape victims, but the Group was not able to investigate all reported instances.

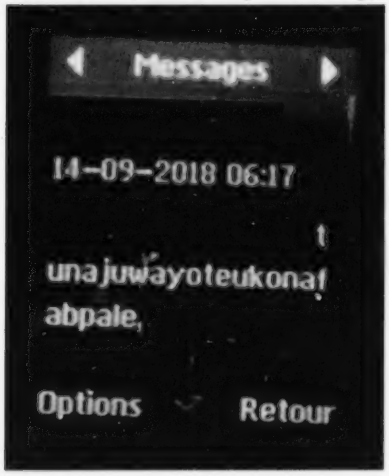
[1] The eldest woman was raped once.
[2] One victim said it was around May 2018.
[3] The four victims and two sources from the civil society told the Group that 19 women in total were abducted and raped.

Annex 17: Death threats SMS received by one person assisting rape victims from Shabunda territory

All three SMS were sent from the same phone number.

Photos and translations by the Group

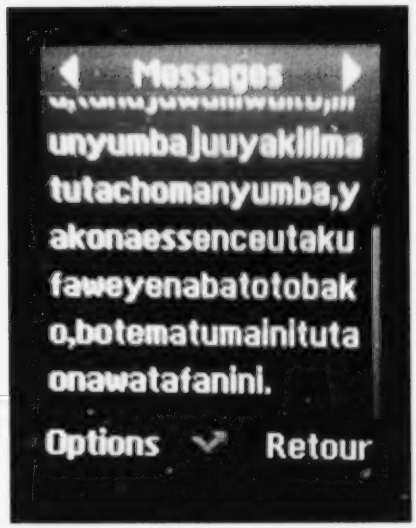
First SMS (redacted by the Group)



Translation:

[Redacted] we know what you are doing there, you [redacted]. You believe that these women whom we have raped are special? We will continue raping other women every day and you will do nothing. We will cut your head before October 2018 and we will see if [redacted] will do anything. They are idiots like you.

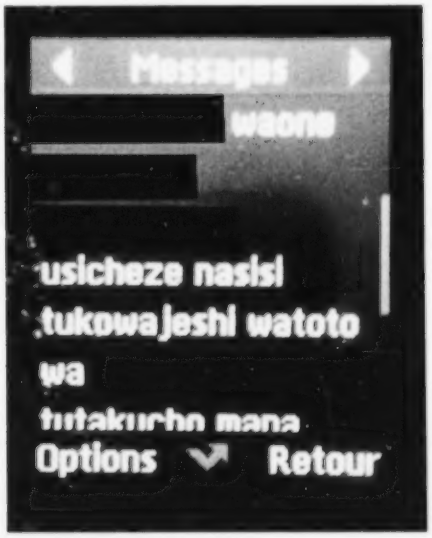
Second SMS (redacted by the Group)



Translation:

Wait for us in [redacted]. We know your home, your house on the hill, we will burn it with petrol. You will die with your children and we will see what they will do to us.

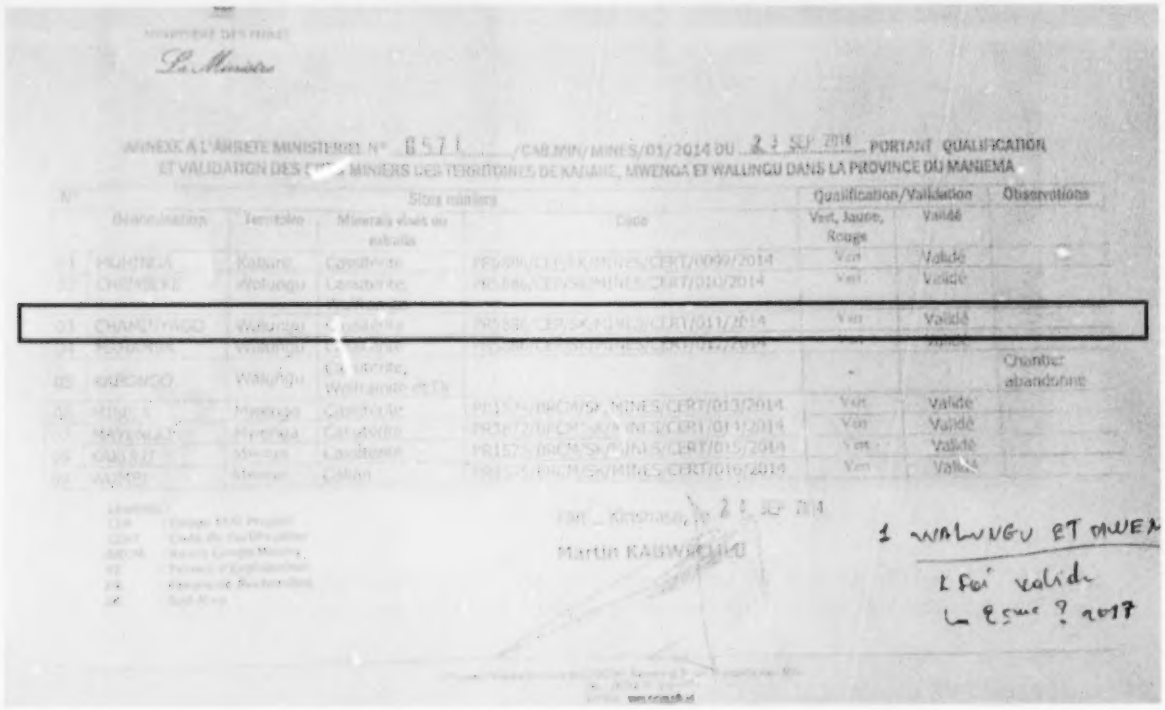
Third SMS (redacted by the Group)



Translation:

You believe that we do not know that you brought the women we raped at [redacted]. Do not play with us, we are militaries native from [redacted]. We will burn you, your kids and your entire house with petrol and we will rape again these idiots.

Annex 18: List of validated mine sites in Walungu territory



Le Ministre

ANNEXE A L'ARRETE MINISTERIEL N° 0571 /CAB.MIN/MINES/01/2014 DU 23 SEP 2014 PORTANT QUALIFICATION ET VALIDATION DES [illegible] MINIERS DES TERRITOIRES DE KAJIJI, MWENGA ET WALUNGU DANS LA PROVINCE DU MANIEMA

N°	Dénomination	Territoire	Sites miniers: Minerais visés ou exploités	Sites miniers: Code	Qualification/Validation: Vert, Jaune, Rouge	Qualification/Validation: Validé	Observations
01	CHAMPINGO	Walungu	Cassitérite	PR1[illegible]/CERT/011/2014	Vert	Validé	
05	KABONGO	Walungu	Cassitérite, Wolframite et ses dérivés		-		Chantier abandonné

Fait à KINSHASA, le 23 SEP 2014

Martin KABWELULU

1 WALUNGU ET MWENGA
1 fois validé
le 8 mai ? 2017

Annex 19: Letter from the Rwandan authorities

REPUBLIC OF RWANDA

PERMANENT MISSION OF THE REPUBLIC OF RWANDA TO THE UNITED NATIONS
NEW YORK

Ref: RPM/583/29.08/D/18

29th August 2018

Excellency,

Reference is made to the final report by the UN Group of Experts on the Democratic Republic of Congo (S/2018/531) transmitted to the President of the Security Council on 20th May 2018. Reference is also made to the letter from the Group of Expert dated 26th October 2017. The Government of Rwanda would like to make the following clarifications:

- **Gold production and export figures of Rwanda in 2017**

  Rwanda produced and exported 2.4 tons of unwrought gold for the entire year of 2017 as opposed to 1 ton per month as indicated in the final report. Gold in Rwanda is produced by scattered artisanal miners in the Northern, Western and Southern part of the country.

- **Gold figures from DRC transiting through Rwanda in 2017**

  In 2017, 46.01 kilograms of gold from DRC transited through Rwanda to UAE. The list of names of exporters and destinations of gold which transited through Rwanda from DRC is enclosed.

- **Steps taken by GOR to ensure existing ICGLR legislation concerning the export of gold are enforced by relevant authorities.**

  For the 3Ts (Tantalum, Tin and Tungsten), Rwanda implements two minerals supply-chain due diligence mechanisms. The first is the ITSCI system (https://www.itsci.org/), an internationally recognized system operating in Burundi and Eastern DRC. The second is known as Better Sourcing Program (https://bettersourcing.io/). Both systems have in-country representatives. Rwanda also issues ICGLR Mineral Export Certificates, with a specific team dedicated to working on the 3Ts.

  With regard to gold whose trend of exports is making it increasingly relevant for Rwanda to focus on due diligence mechanisms, the country, through its national agency in charge of minerals, is collaborating with the ICGLR Secretariat and other ICGLR Member States on the regional initiative aiming to develop ICGLR's due diligence strategy for gold.

  Rwanda actively participates in discussions to develop this gold strategy, as observed in

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Fax: +1 917-591-9279
Email: ambanewyork@gmail.com
ambanewyork@minaffet.gov.rw

the last two events organized by the ICGLR Secretariat: Regional Mineral Exporters Conference in the Great Lakes Region (Nairobi, March 2017) and the ASM Gold Experts Meeting (Arusha, March 2018).

In addition, we have been following gold traceability and certification initiatives in DRC, including the 'Just Gold Project' in Mambasa Territory, Ituri province (https://impacttransform.org/en/work/project/just-gold/) ; and the 'Capacity Building for Responsible Minerals Trade' in Walungu Territory, South Kivu (http://www.tetratech.com/en/projects/capacity-building-for-responsible-minerals-trade). Our objective is to find out effective options to successfully trace conflict-free and legal gold while making an economic case.

- **The current state of cooperation and coordination between GOR and the DRC to reduce the illegal exploitation and smuggling of natural resources in the DRC.**

Control mechanism on gold smuggling: Rwanda Customs signed an MOU with DRC Customs back in 2011, and among other elements, the MOU calls for exchange of information on cross border fraud and smuggling. When traceability requirements were established in 2011, we managed to intercept over 100 tons of tin that we handed over to DRC officials in 2011. As the DRC enforced traceability mechanisms, there has been no smuggling of minerals across the border.

Cooperation and coordination efforts between Rwanda and DRC can be strengthened further, since both countries are Member States of ICGLR. Representatives of both countries often meet and exchange ideas and initiatives to improve the regional certification mechanism, this is done through meetings and conferences organized by the ICGLR Secretariat for all ICGLR member states. The Government of the Republic of Rwanda is open to further improvement of cooperation with DRC and other ICGLR member states to fight illegal exploitation of minerals in the region.

Within the Rwanda Revenue Authority we do have a special department in charge of smuggling and revenue protection, this works hand in hand with other government agencies to curb smuggling across the borders and within the country.

Valentine Rugwabiza,

Ambassador and Permanent Representative

H.E. Ambassador Mansour Al-Otaibi

Chair, Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

New York

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ambanetuyork@minaffet.gov.ru

TRANSIT OF MINERALS THROUGH RWANDA IN 2017

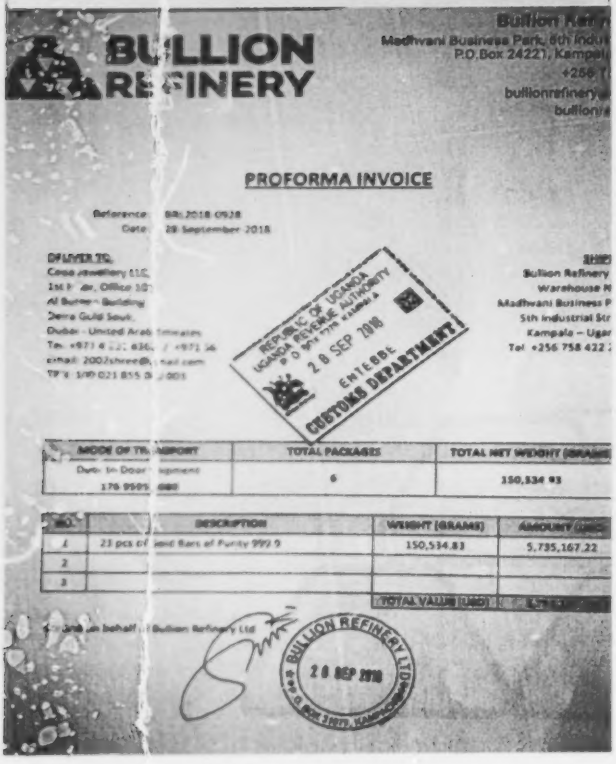
S/No	EXPORTER	COUNTRY OF EXPORT	COUNTRY OF DESTINATION	NET WEIGHT (KG)
1	Mines Propress sarl (Bukavu-SUD KIVU)	Democratic Republic of Congo	United Arab Emirates	34.51
2	Propress sarl (SUD KIVU)	Democratic Republic of Congo	United Arab Emirates	6.5
3	OBWIN SARL (BUKAVU)	Democratic Republic of Congo	United Arab Emirates	5
Total				46.01

Annex 20: Examples of Gold exported by Bullion Refinery Ltd in September and November 2018

PROFORMA INVOICE

Bullion Refinery Ltd

ENTEBBE CUSTOMS DEPARTMENT



PROFORMA INVOICE

Bullion Refinery

REPUBLIC OF UGANDA UGANDA REVENUE AUTHORITY 28 SEP 2018 ENTEBBE CUSTOMS DEPARTMENT

MODE OF TRANSPORT	TOTAL PACKAGES	TOTAL NET WEIGHT (GRAMS)
Door to Door Shipment 176 9501 080	6	150,534.83

NO.	DESCRIPTION	WEIGHT (GRAMS)	AMOUNT (USD)
1	23 pcs of Gold Bars of Purity 999.9	150,534.83	5,735,167.22
2			
3			
		TOTAL VALUE (USD)	

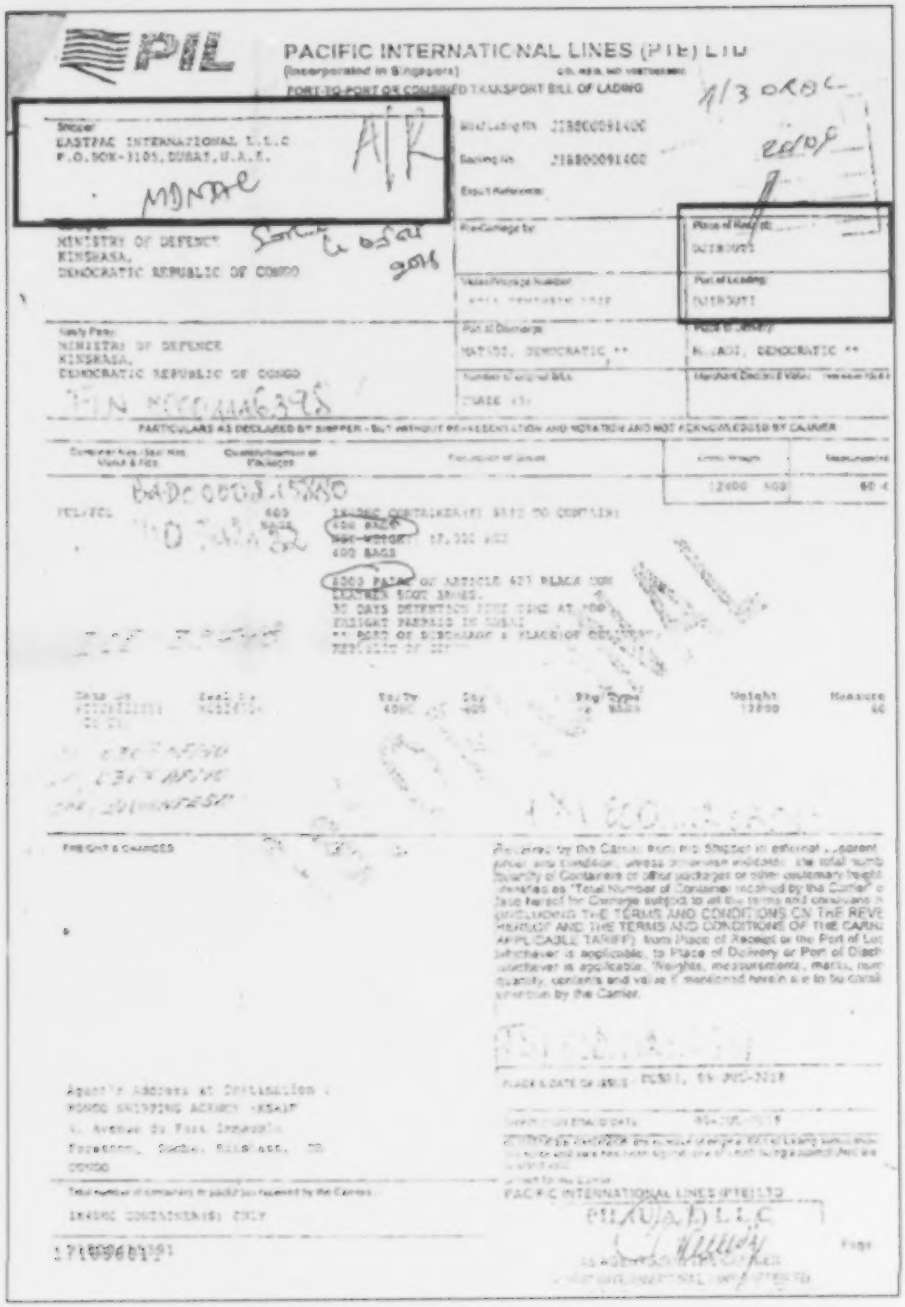
BULLION REFINERY LTD 28 SEP 2018

Photo by the Group in November 2018

Annex 21 : Sponge Grenade SIR-X 40x46mm

Source: FARDC

Annex 22: Eastpac International L.L.C


PACIFIC INTERNATIONAL LINES (PTE) LTD

PORT-TO-PORT OR COMBINED TRANSPORT BILL OF LADING

EASTPAC INTERNATIONAL L.L.C
P.O.BOX-3105, DUBAI, U.A.E.

MINISTRY OF DEFENCY
KINSHASA,
DEMOCRATIC REPUBLIC OF CONGO

MINISTRY OF DEFENCE
KINSHASA,
DEMOCRATIC REPUBLIC OF CONGO

PARTICULARS AS DECLARED BY SHIPPER - BUT WITHOUT REPRESENTATION AND NOTATION AND NOT ACKNOWLEDGED BY CARRIER

400 BAGS

PACIFIC INTERNATIONAL LINES (PTE) LTD

PLACE & DATE OF ISSUE

Photo by the Group in October 2018

Annex 23: NORINCO

Code Name: CBS01

1. Shipper (Insert name, address and phone)

SOCIETE INDUSTRIELLE DU NORD DE CHINE (NORINCO)

2. Consignee (Insert name, address and phone)

MINISTERE DE LA DEFENSE NATIONALE,
ANCIENS COMBATTANTS ET REINSERTION,
REPUBLIQUE DEMOCRATIQUE DU CONGO

3. Notify Party (Insert name, address and phone)

SAME AS CONSIGNEE

4. Vessel: COSCO ZHOUSHAN V.[illegible] 5. Port of Loading: XINGANG PORT, CHINA

6. Port of Discharge: MATADI PORT 7. Number of Original B/L: THREE

B/L No. JGS42PCR0001

中远海运特种运输股份有限公司
COSCO SHIPPING SPECIALIZED CARRIERS CO., LTD.

FAX:+86 20 3816 2888 TEL:+86 20 3816 1888
http://www.cosmi.com.cn Stock code: 600428

Exceptional Capability Excellent Service

BILL OF LADING

ORIGINAL

Particulars furnished by Merchant, but not acknowledged by the carrier

Marks and Numbers / Container No./Seal No. | Number and kind of packages; description of cargo | Gross weight, kg | Measurement, m³

NUMERO DU CONTRAT: 20[illegible]03/FP/YDZ

GOODS AS PER CONTRACT NO.
20171003/FP/YDZ

100CASES
(7X20' CONTAINERS)
SHIPPED ON BOARD
FREIGHT PREPAID

15 APR 2018

851000KGS 232.913M3

REMARKS: CARGO WEIGHT: 69000KGS; CARGO MEASUREMENT: 169.281M3

CONTAINER NO. AND SEAL NO.

SNBU 193567 686048 FCL SNBU2195826 686049 FCL CCLU2888865 686050 FCL
SNBU 194308 685799 FCL SNBU2188180 685800 FCL SNBU2187374 686051 FCL
SNBU 192508 686052 FCL

SAY ONE THOUSAND CASES ONLY

(of which [illegible] on deck at Merchant's risk, the Carrier not to be responsible for any loss or damage or delay to such cargo whatsoever and whether due to negligence of whosoever or howsoever arising and by whomsoever caused.)

8. Shipper's declared value: N/A

Freight and Charges

[illegible]

15 APR 2018

中国天津外轮代理有限公司
[illegible] SHIPPING AGENCY, TIANJIN
(3)

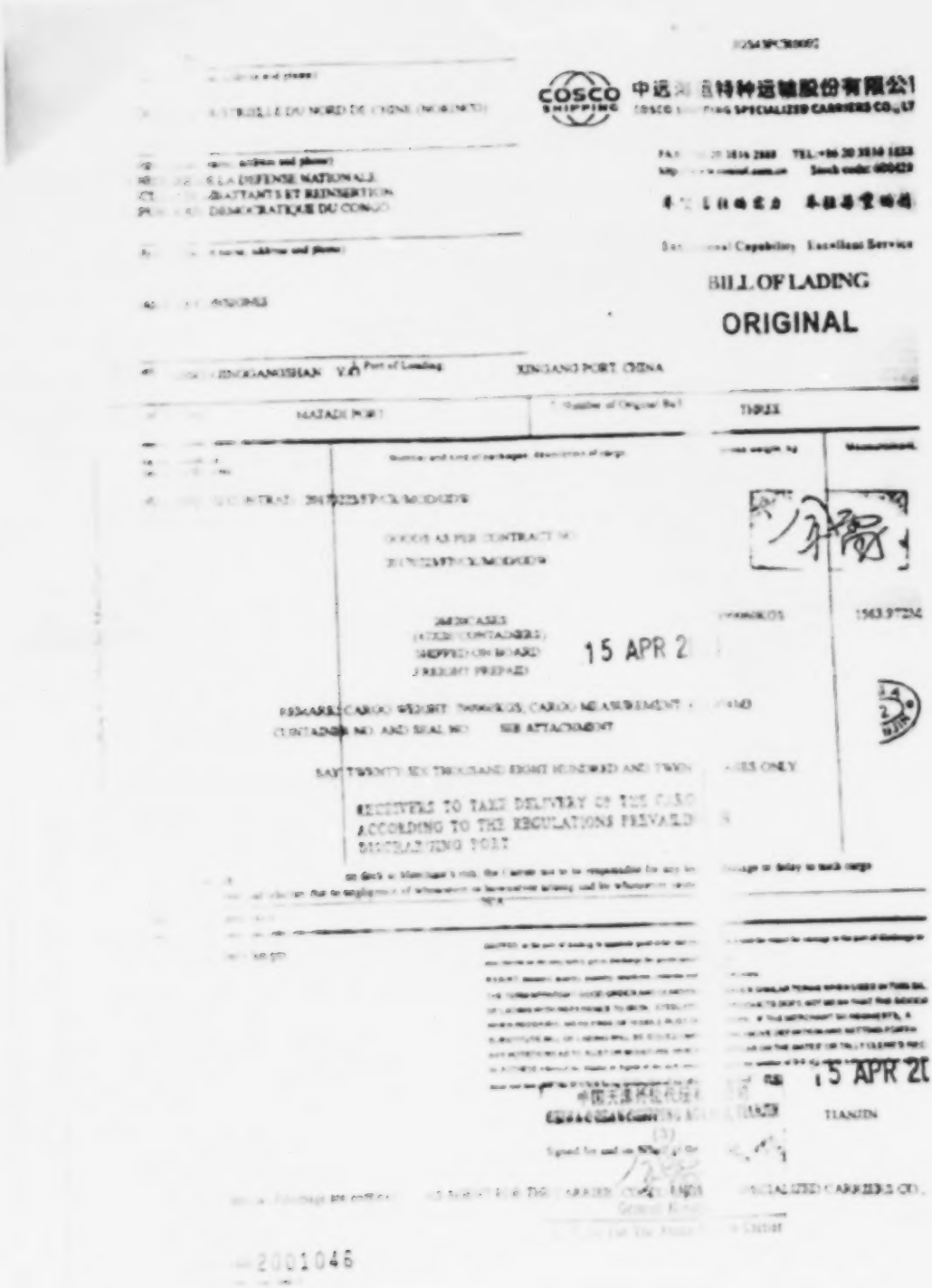
Signed for and on behalf of the Carrier

For conditions of carriage see overleaf AS AGENT FOR THE CARRIER: COSCO SHIPPING SPECIALIZED [illegible] LTD.

General Manager

As Agents For The Above Named Carrier

Serial No. 02 2003
(For Carrier's use only)



BILL OF LADING

ORIGINAL

XINGANG PORT CHINA

15 APR 2

15 APR 2

TIANJIN

Photo by the Group in October 2018